

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 984 Session of 2015

INTRODUCED BY BARTOLOTTA, WHITE, VANCE, ALLOWAY, ARGALL, SMUCKER, STEFANO, WAGNER, WARD, McILHINNEY, CORMAN AND MENSCH, SEPTEMBER 8, 2015

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 4, 2016

AN ACT

1 Amending Titles 53 (Municipalities Generally), 66 (Public
2 Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated
3 Statutes, in taxicabs and limousines in first class cities,
4 further providing for definitions and for certificate of
5 public convenience required; PROVIDING FOR TRANSPORTATION <--
6 NETWORK COMPANIES; in general provisions, further providing
7 for definitions; in powers and duties, providing for power of
8 commission to confiscate, impound and sell vehicles; in
9 contract carrier by motor vehicle and broker, further
10 providing for declaration of policy and definitions;
11 providing for motor carrier regulations and for
12 transportation network service; and, in general provisions,
13 further providing for definitions.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The definitions of "call or demand service" or
17 "taxicab service" and "limousine service" in section 5701 of
18 Title 53 of the Pennsylvania Consolidated Statutes are amended
19 to read:

20 § 5701. Definitions.

21 The following words and phrases when used in this chapter
22 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Call or demand service" or "taxicab service." Local common
4 carrier service for passengers, rendered on either an exclusive
5 or nonexclusive basis, where the service is characterized by the
6 fact that passengers normally hire the vehicle and its driver
7 either by telephone call or by hail, or both. The term does not
8 include transportation network service as defined in 66 Pa.C.S.
9 § 102 (relating to definitions) or limousine service.

10 * * *

11 "Limousine service."

12 (1) Except as provided in paragraph (2), a motor vehicle
13 providing any of the following services:

14 (i) Local, nonscheduled common carrier service for
15 passengers on an exclusive basis for compensation.

16 (ii) Common carrier service for passengers for
17 compensation:

18 (A) from any airport, railroad station or hotel
19 located in whole or in part in a city of the first
20 class; or

21 (B) to any airport, railroad station or hotel
22 located in whole or in part in a city of the first
23 class from a point within the city of the first
24 class.

25 (2) The term does not include any of the following:

26 (i) Taxicab service.

27 (ii) Service that was otherwise exempt from the
28 jurisdiction of the Pennsylvania Public Utilities
29 Commission prior to the effective date of this
30 subparagraph.

- 1 (iii) Other paratransit service.
- 2 (iv) Employee commuter van pooling.
- 3 (v) A vehicle with a seating capacity of 16 or more
- 4 persons, including the driver.

5 (vi) Transportation network service as defined in 66
6 Pa.C.S. § 102 (relating to definitions).

7 * * *

8 Section 1.1. Section 5741(c) of Title 53 is amended to read:
9 § 5741. Certificate of public convenience required.

10 * * *

11 (c) Restrictions.--

12 (1) Certificates issued pursuant to this subchapter
13 shall be nontransferable unless a transfer is approved by the
14 authority.

15 (2) A limousine service provider operating pursuant to
16 an authority-issued certificate of public convenience and a
17 filed tariff permitting the limousine service provider to
18 charge mileage-based rates on the effective date of this
19 paragraph shall be permitted to continue to charge mileage-
20 based rates and to be regulated in the same manner as
21 traditional limousine service providers.

22 * * *

23 SECTION 1.2. TITLE 53 IS AMENDED BY ADDING A CHAPTER TO READ: <--

24 CHAPTER 57A

25 TRANSPORTATION NETWORK COMPANIES

26 SEC.

27 57A01. DEFINITIONS.

28 57A02. LICENSE REQUIRED.

29 57A03. APPLICATION.

30 57A04. QUALIFICATIONS FOR LICENSURE.

1 57A05. LICENSE ISSUANCE AND APPEAL OF DENIAL.
2 57A06. LICENSE ENFORCEMENT.
3 57A06.1. APPEALS GENERALLY.
4 57A07. INSURANCE REQUIREMENTS.
5 57A08. VEHICLE OWNERSHIP AND STANDARDS.
6 57A09. VEHICLE INSPECTIONS.
7 57A10. DISTINCTIVE SIGNAGE.
8 57A11. TRANSPORTATION NETWORK SERVICE ACCESSIBILITY.
9 57A12. TRANSPORTATION NETWORK COMPANY DRIVERS.
10 57A13. INTOXICATING SUBSTANCE POLICY.
11 57A14. REPORTING REQUIREMENT.
12 57A15. DRIVER CREDENTIALS.
13 57A16. OPERATING REGULATIONS.
14 57A17. FARE RATES.
15 57A18. RECORDS AND REPORTS.
16 57A19. PENALTIES.
17 57A20. IMPOUNDMENT OF VEHICLES.
18 57A21. ENFORCEMENT AND RULES AND REGULATIONS.
19 57A22. TRANSPORTATION NETWORK SERVICE FUND.
20 § 57A01. DEFINITIONS.

21 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
22 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
23 CONTEXT CLEARLY INDICATES OTHERWISE:

24 "AUTHORITY." A PARKING AUTHORITY OF A CITY OF THE FIRST
25 CLASS ESTABLISHED AND INCORPORATED IN ACCORDANCE WITH 53 PA.C.S.
26 CH. 55 (RELATING TO PARKING AUTHORITIES).

27 "CITY." A CITY OF THE FIRST CLASS AS DEFINED BY THE ACT OF
28 JUNE 25, 1895 (P.L.275, NO.188), ENTITLED "AN ACT DIVIDING THE
29 CITIES OF THIS STATE INTO THREE CLASSES WITH RESPECT TO THEIR
30 POPULATION, AND DESIGNATING THE MODE OF ASCERTAINING AND

1 CHANGING THE CLASSIFICATION THEREOF IN ACCORDANCE THEREWITH."

2 "DIGITAL NETWORK." AN ONLINE-ENABLED APPLICATION, SOFTWARE,
3 WEBSITE OR SYSTEM OFFERED OR UTILIZED BY A TRANSPORTATION
4 NETWORK COMPANY THAT ENABLES THE PREARRANGEMENT OF RIDES WITH
5 TRANSPORTATION NETWORK COMPANY DRIVERS.

6 "DYNAMIC PRICING." A TRANSPORTATION NETWORK COMPANY'S
7 PRACTICE OF ADJUSTING THE CALCULATION USED TO DETERMINE FARES AT
8 CERTAIN TIMES AND LOCATIONS IN RESPONSE TO THE SUPPLY OF
9 TRANSPORTATION NETWORK COMPANY DRIVERS OR DEMAND FOR
10 TRANSPORTATION NETWORK COMPANY DRIVERS' SERVICES.

11 "LICENSE." PROOF OF THE AUTHORITY'S APPROVAL AUTHORIZING A
12 TRANSPORTATION NETWORK COMPANY TO OPERATE A TRANSPORTATION
13 NETWORK COMPANY IN ACCORDANCE WITH THIS CHAPTER. THE TERM DOES
14 NOT INCLUDE A CERTIFICATE OF PUBLIC CONVENIENCE AS DESCRIBED
15 UNDER SECTION 5741 (RELATING TO CERTIFICATE OF PUBLIC
16 CONVENIENCE REQUIRED).

17 "PERSONAL VEHICLE." AS FOLLOWS:

18 (1) A VEHICLE THAT IS USED BY A TRANSPORTATION NETWORK
19 COMPANY DRIVER AND IS OWNED, LEASED OR OTHERWISE AUTHORIZED
20 FOR USE BY THE TRANSPORTATION NETWORK COMPANY DRIVER.

21 (2) THE TERM DOES NOT INCLUDE:

22 (I) A CALL OR DEMAND SERVICE OR LIMOUSINE SERVICE AS
23 DEFINED UNDER SECTION 5701 (RELATING TO DEFINITIONS);

24 (II) A PARATRANSIT SERVICE REGULATED BY THE
25 PENNSYLVANIA PUBLIC UTILITY COMMISSION UNDER 52 PA. CODE
26 §§ 29.353 (RELATING TO METHOD OF OPERATION IN PARATRANSIT
27 SERVICE), 29.354 (RELATING TO VEHICLE AND EQUIPMENT
28 REQUIREMENTS: PARATRANSIT SERVICE) AND 29.355 (RELATING
29 TO TARIFF REQUIREMENTS); OR

30 (III) A VEHICLE OPERATED UNDER A RIDESHARING

1 ARRANGEMENT OR BY A RIDESHARING OPERATOR AS DEFINED UNDER
2 THE ACT OF DECEMBER 14, 1982 (P.L.1211, NO.279), ENTITLED
3 "AN ACT PROVIDING FOR RIDESHARING ARRANGEMENTS AND
4 PROVIDING THAT CERTAIN LAWS SHALL BE INAPPLICABLE TO
5 RIDESHARING ARRANGEMENTS."

6 (3) A VEHICLE OPERATED IN A SHARED-EXPENSE ARRANGEMENT
7 WHERE AN INDIVIDUAL RECEIVES REIMBURSEMENT THAT DOES NOT
8 EXCEED THE ACTUAL COSTS INCURRED WHILE PROVIDING
9 TRANSPORTATION.

10 "PREARRANGED RIDE." THE PROVISION OF TRANSPORTATION BY A
11 TRANSPORTATION NETWORK COMPANY DRIVER TO A PASSENGER,
12 ORIGINATING IN A CITY AND BEGINNING WHEN A TRANSPORTATION
13 NETWORK COMPANY DRIVER ACCEPTS A RIDE REQUESTED BY A PASSENGER
14 THROUGH A DIGITAL NETWORK, CONTINUING WHILE THE DRIVER
15 TRANSPORTS THE PASSENGER AND ENDING WHEN THE LAST PASSENGER
16 DEPARTS FROM THE PERSONAL VEHICLE. FOR PURPOSES OF THIS CHAPTER,
17 A PREARRANGED RIDE DOES NOT INCLUDE:

18 (1) TRANSPORTATION PROVIDED USING A CALL OR DEMAND
19 SERVICE OR LIMOUSINE SERVICE AS DEFINED UNDER SECTION 5701
20 (RELATING TO DEFINITIONS);

21 (2) PARATRANSIT SERVICE REGULATED BY THE PENNSYLVANIA
22 PUBLIC UTILITY COMMISSION UNDER 52 PA. CODE §§ 29.353
23 (RELATING TO METHOD OF OPERATION IN PARATRANSIT SERVICE),
24 29.354 (RELATING TO VEHICLE AND EQUIPMENT REQUIREMENTS:
25 PARATRANSIT SERVICE) AND 29.355 (RELATING TO TARIFF
26 REQUIREMENTS);

27 (3) A DRIVER OPERATING UNDER RIDESHARING ARRANGEMENT OR
28 RIDESHARING OPERATOR AS DEFINED UNDER THE ACT OF DECEMBER 14,
29 1982 (P.L.1211, NO.279), ENTITLED "AN ACT PROVIDING FOR
30 RIDESHARING ARRANGEMENTS AND PROVIDING THAT CERTAIN LAWS

1 SHALL BE INAPPLICABLE TO RIDESHARING ARRANGEMENTS"; OR

2 (4) A SHARED-EXPENSE ARRANGEMENT WHERE AN INDIVIDUAL
3 RECEIVES REIMBURSEMENT THAT DOES NOT EXCEED THE ACTUAL COSTS
4 INCURRED WHILE PROVIDING TRANSPORTATION.

5 "TRANSPORTATION NETWORK COMPANY" OR "TNC." A PERSON OR
6 ENTITY THAT OBTAINS A LICENSE TO OPERATE A TRANSPORTATION
7 NETWORK SERVICE BY THE AUTHORITY AND USES A DIGITAL NETWORK TO
8 FACILITATE PREARRANGED RIDES.

9 "TRANSPORTATION NETWORK COMPANY DRIVER" OR "DRIVER." AN
10 INDIVIDUAL WHO:

11 (1) RECEIVES CONNECTIONS TO POTENTIAL PASSENGERS AND
12 RELATED SERVICES FROM A TRANSPORTATION NETWORK COMPANY, IN
13 EXCHANGE FOR PAYMENT OF A FEE TO THE TRANSPORTATION NETWORK
14 COMPANY.

15 (2) USES A PERSONAL VEHICLE TO OFFER OR PROVIDE A
16 PREARRANGED RIDE TO PASSENGERS UPON CONNECTION THROUGH A
17 DIGITAL NETWORK CONTROLLED BY A TRANSPORTATION NETWORK
18 COMPANY IN RETURN FOR COMPENSATION OR PAYMENT OF A FEE.
19 THE TERM SHALL NOT INCLUDE AN INDIVIDUAL WHO RECEIVES
20 REIMBURSEMENT THAT DOES NOT EXCEED THE ACTUAL COSTS INCURRED
21 WHILE PROVIDING TRANSPORTATION.

22 "TRANSPORTATION NETWORK COMPANY PASSENGER" OR "PASSENGER." A
23 PERSON WHO USES A DIGITAL NETWORK TO CONNECT WITH A
24 TRANSPORTATION NETWORK COMPANY DRIVER WHO PROVIDES PREARRANGED
25 RIDES TO THE PASSENGER IN THE DRIVER'S PERSONAL VEHICLE.

26 "TRANSPORTATION NETWORK SERVICE" OR "SERVICE." AS FOLLOWS:

27 (1) A SERVICE WHICH MEETS ALL OF THE FOLLOWING:

28 (I) MATCHES A PASSENGER AND TRANSPORTATION NETWORK
29 COMPANY DRIVER USING A DIGITAL NETWORK IN ADVANCE OF A
30 PREARRANGED RIDE.

1 (II) IS CHARACTERIZED BY A TRANSPORTATION NETWORK
2 COMPANY DRIVER OFFERING OR PROVIDING A PREARRANGED RIDE
3 TO A PASSENGER.

4 (III) ORIGINATES WITHIN THE CITY.

5 (IV) IS RENDERED ON AN EXCLUSIVE BASIS.
6 FOR PURPOSES OF THIS PARAGRAPH, THE TERM "EXCLUSIVE
7 BASIS" MEANS A TRANSPORTATION NETWORK SERVICE ON A GIVEN
8 PREARRANGED RIDE WHEN EACH INDIVIDUAL, PARTY OR GROUP MAY
9 NOT BE REQUIRED TO RIDE WITH ANOTHER PASSENGER ON THAT
10 PREARRANGED RIDE UNLESS THE INDIVIDUAL, PARTY OR GROUP
11 CONSENTS TO ADDITIONAL PASSENGERS ON THE PREARRANGED
12 RIDE.

13 (2) THE TERM INCLUDES THE PERIODS WHEN:

14 (I) A DRIVER IS LOGGED ONTO A TRANSPORTATION NETWORK
15 COMPANY'S DIGITAL NETWORK AND AVAILABLE FOR SERVICE.

16 (II) A DRIVER IS CONDUCTING A PREARRANGED RIDE.
17 "WHEELCHAIR-ACCESSIBLE VEHICLE." A VEHICLE THAT CAN
18 ACCOMMODATE AT LEAST ONE PERSON IN A WHEELCHAIR WITHOUT THE
19 PERSON HAVING TO TRANSFER FROM THE WHEELCHAIR TO ANOTHER SEAT
20 AND THAT MEETS REQUIREMENTS ESTABLISHED UNDER THE AMERICANS WITH
21 DISABILITIES ACT OF 1990 (PUBLIC LAW 101-336, 104 STAT. 327) OR
22 REQUIREMENTS THAT ARE A FUNCTIONAL EQUIVALENT AND APPROVED BY
23 THE AUTHORITY, OR BOTH.

24 § 57A02. LICENSE REQUIRED.

25 (A) GENERAL RULE.--NO PERSON SHALL ENGAGE IN THE BUSINESS OF
26 A TRANSPORTATION NETWORK COMPANY WITHOUT A LICENSE ISSUED BY THE
27 AUTHORITY UNDER THIS CHAPTER.

28 (B) PERSONAL VEHICLE PROHIBITED.--NO PERSONAL VEHICLE SHALL
29 BE USED TO PROVIDE TRANSPORTATION NETWORK SERVICE IN THE CITY
30 EXCEPT BY A DRIVER AFFILIATED WITH A TRANSPORTATION NETWORK

1 COMPANY LICENSED BY THE AUTHORITY UNDER THIS CHAPTER.

2 (C) EXCEPTION.--A PERSONAL VEHICLE OPERATED BY A DRIVER
3 AFFILIATED WITH A COMPANY OPERATING IN THIS COMMONWEALTH
4 PURSUANT TO A LICENSE ISSUED BY THE PUBLIC UTILITY COMMISSION OR
5 WITH A COMPANY THAT AUTHORIZES DRIVERS TO OPERATE IN ANY OTHER
6 MUNICIPALITY, STATE OR OTHER POLITICAL SUBDIVISION MAY COME INTO
7 THE CITY TO DISCHARGE PASSENGERS WHOSE TRIP ORIGINATED OUTSIDE
8 OF THE CITY.

9 (D) REGULATORY JURISDICTION.--THE AUTHORITY SHALL HAVE
10 EXCLUSIVE REGULATORY JURISDICTION OVER TRANSPORTATION NETWORK
11 SERVICE ORIGINATING IN THE CITY AND MAY ADOPT RULES AND
12 REGULATIONS AS AUTHORIZED UNDER SECTION 57A21 (C) (RELATING TO
13 ENFORCEMENT AND RULES AND REGULATIONS). THE AUTHORITY IS
14 EMPOWERED TO ISSUE, SUSPEND, CANCEL OR REVOKE TRANSPORTATION
15 NETWORK COMPANY LICENSES OR ISSUE AN ORDER REQUIRING
16 DISQUALIFICATION OF A DRIVER IN ACCORDANCE WITH SECTION 57A19
17 (RELATING TO PENALTIES). THE AUTHORITY SHALL BE AUTHORIZED TO
18 INSPECT, AUDIT AND INVESTIGATE ANY RECORDS OF THE TRANSPORTATION
19 NETWORK COMPANY AS NECESSARY TO ENSURE COMPLIANCE WITH THIS
20 CHAPTER IN ACCORDANCE WITH SECTION 57A18 (RELATING TO RECORDS
21 AND REPORTS). INFORMATION DISCLOSED TO THE AUTHORITY UNDER THIS
22 CHAPTER SHALL BE EXEMPT FROM DISCLOSURE TO A THIRD PERSON,
23 INCLUDING THROUGH A REQUEST SUBMITTED UNDER THE ACT OF FEBRUARY
24 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.
25 § 57A03. APPLICATION.

26 (A) GENERAL RULE.--IN ADDITION TO THE POWERS CONFERRED UPON
27 THE AUTHORITY BY OTHER PROVISIONS OF THIS TITLE, THE AUTHORITY
28 IS EMPOWERED TO ISSUE, SUSPEND, CANCEL OR REVOKE LICENSES IN
29 ACCORDANCE WITH THIS CHAPTER AND ORDERS OR REGULATIONS OF THE
30 AUTHORITY.

1 (B) APPLICATION.--AN APPLICATION FOR A LICENSE UNDER THIS
2 TITLE SHALL BE MADE TO THE AUTHORITY IN WRITING, BE VERIFIED BY
3 OATH OR AFFIRMATION AND BE IN SUCH FORM AND CONTAIN SUCH
4 INFORMATION AS THE AUTHORITY MAY REQUIRE IN ACCORDANCE WITH THIS
5 CHAPTER. EACH APPLICATION SHALL CONTAIN:

6 (1) IF THE LICENSE APPLICANT IS AN INDIVIDUAL:

7 (I) THE INDIVIDUAL'S FULL NAME, SOCIAL SECURITY
8 NUMBER, RESIDENCE ADDRESS, BUSINESS ADDRESS, BUSINESS E-
9 MAIL ADDRESS AND BUSINESS TELEPHONE NUMBER.

10 (II) PROOF THAT THE APPLICANT IS AT LEAST 18 YEARS
11 OF AGE.

12 (2) IF THE LICENSE APPLICANT IS A CORPORATION:

13 (I) THE CORPORATE NAME, BUSINESS ADDRESS AND
14 TELEPHONE NUMBER OF THE APPLICANT.

15 (II) THE DATE AND STATE OF INCORPORATION.

16 (III) THE FULL NAMES, TITLES, ADDRESSES, E-MAIL
17 ADDRESSES AND TELEPHONE NUMBERS OF ITS CORPORATE OFFICERS
18 AND OF ITS AUTHORIZED AGENT.

19 (IV) PROOF THAT ALL CORPORATE OFFICERS ARE AT LEAST
20 18 YEARS OF AGE.

21 (V) PROOF THAT THE CORPORATION IS IN GOOD STANDING
22 UNDER THE LAWS OF THIS COMMONWEALTH.

23 (3) IF THE LICENSE APPLICANT IS A PARTNERSHIP OR LIMITED
24 LIABILITY COMPANY:

25 (I) THE NAME, BUSINESS ADDRESS OR PRINCIPAL OFFICE
26 ADDRESS AND TELEPHONE NUMBER OF THE APPLICANT.

27 (II) THE FULL NAMES, ADDRESSES, E-MAIL ADDRESSES AND
28 TELEPHONE NUMBERS OF:

29 (A) THE GENERAL PARTNERS OF THE PARTNERSHIP.

30 (B) THE MANAGING MEMBERS OF THE LIMITED

1 LIABILITY COMPANY.

2 (C) THE MANAGER OF OPERATIONS FOR THE CITY.

3 (III) THE FULL NAME, ADDRESS, E-MAIL ADDRESS AND
4 TELEPHONE NUMBER OF A PERSON AUTHORIZED TO RECEIVE
5 NOTICES ISSUED UNDER THIS CHAPTER.

6 (IV) PROOF THAT ALL GENERAL PARTNERS, MANAGERS,
7 MANAGING MEMBERS AND MEMBERS ARE AT LEAST 18 YEARS OF
8 AGE.

9 (C) REQUIRED INFORMATION.--AN APPLICATION FOR A LICENSE OR
10 RENEWAL UNDER THIS CHAPTER MUST INCLUDE THE FOLLOWING:

11 (1) PROOF THAT THE COMPANY IS REGISTERED WITH THE
12 DEPARTMENT OF STATE TO DO BUSINESS IN THIS COMMONWEALTH.

13 (2) PROOF THAT THE COMPANY MAINTAINS A REGISTERED AGENT
14 IN THIS COMMONWEALTH.

15 (3) PROOF THAT THE COMPANY MAINTAINS AN INTERNET WEBSITE
16 THAT INCLUDES THE INFORMATION REQUIRED UNDER SECTION 57A13
17 (RELATING TO INTOXICATING SUBSTANCE POLICY).

18 (4) PROOF THAT THE TRANSPORTATION NETWORK COMPANY HAS
19 SECURED THE INSURANCE POLICIES REQUIRED UNDER AND OTHERWISE
20 COMPLIED WITH SECTION 57A07 (RELATING TO INSURANCE
21 REQUIREMENTS) IN THE FORM OF A CERTIFICATE OF INSURANCE.

22 (D) FEE.--AN APPLICANT FOR A TRANSPORTATION NETWORK COMPANY
23 LICENSE SHALL REMIT TO THE AUTHORITY WITH ITS INITIAL
24 TRANSPORTATION NETWORK COMPANY APPLICATION A ONE-TIME
25 APPLICATION FEE OF \$50,000. IF THE APPLICATION IS REJECTED, THE
26 FEE SHALL BE REFUNDED, MINUS A \$2,500 ADMINISTRATIVE PROCESSING
27 FEE.

28 § 57A04. QUALIFICATIONS FOR LICENSURE.

29 (A) GENERAL RULE.--IN ADDITION TO THE LICENSE APPLICATION
30 REQUIREMENTS LISTED IN SECTION 57A03 (RELATING TO APPLICATION),

1 AN APPLICANT SEEKING ISSUANCE OR RENEWAL OF A LICENSE UNDER THIS
2 SECTION MUST DO ALL OF THE FOLLOWING AS A CONDITION OF RECEIPT
3 AND MAINTENANCE OF A LICENSE:

4 (1) ESTABLISH AND MAINTAIN:

5 (I) AN AGENT FOR SERVICE OF PROCESS LOCATED IN THE
6 CITY.

7 (II) AN INTERNET WEBSITE THAT PROVIDES A CUSTOMER
8 SERVICE TELEPHONE NUMBER, E-MAIL ADDRESS OR HYPERLINK TO
9 CONTACT THE TRANSPORTATION NETWORK COMPANY AND THE
10 TELEPHONE NUMBER AND E-MAIL ADDRESS OF THE AUTHORITY.

11 (III) RECORDS REQUIRED UNDER THIS CHAPTER. THE
12 APPLICANT SHALL AGREE TO MAKE ALL RECORDS AVAILABLE FOR
13 INSPECTION BY THE AUTHORITY IN THE CITY UPON REQUEST
14 UNDER SECTION 57A18 (RELATING TO RECORDS AND REPORTS) AS
15 NECESSARY FOR THE AUTHORITY TO INVESTIGATE COMPLAINTS.

16 (2) MAINTAIN ACCURATE RECORDS OF EACH TRANSPORTATION
17 NETWORK COMPANY DRIVER PROVIDING TRANSPORTATION NETWORK
18 SERVICES AND THE VEHICLES USED TO PROVIDE THE SERVICE FOR NO
19 LESS THAN THREE YEARS. RECORDS RETAINED UNDER THIS PARAGRAPH
20 MUST INCLUDE:

21 (I) PROOF OF VALID PERSONAL AUTOMOBILE INSURANCE.

22 (II) PROOF OF THE INSURANCE REQUIRED BY SECTION
23 57A07 (RELATING TO INSURANCE REQUIREMENTS).

24 (III) CRIMINAL HISTORY RECORDS CHECKS.

25 (IV) DRIVING RECORD CHECKS.

26 (V) COPIES OF VALID DRIVER'S LICENSES FOR EACH
27 DRIVER AND VEHICLE REGISTRATION AND PROOF OF VEHICLE
28 INSPECTIONS FOR ALL PERSONAL VEHICLES AFFILIATED WITH A
29 TRANSPORTATION NETWORK COMPANY.

30 (VI) RECORDS OF CONSUMER COMPLAINTS.

1 (VII) RECORDS OF SUSPENSION OR DISQUALIFICATION OF
2 DRIVERS.

3 (VIII) RECORDS OF DISCLOSURES REQUIRED TO BE
4 PROVIDED TO DRIVERS UNDER THIS CHAPTER.

5 (3) MAINTAIN VEHICLE RECORDS, INCLUDING THE MAKE, MODEL
6 AND LICENSE PLATE NUMBER OF EACH PERSONAL VEHICLE USED BY A
7 TRANSPORTATION NETWORK COMPANY DRIVER TO PROVIDE
8 TRANSPORTATION NETWORK SERVICE.

9 (B) ELIGIBILITY REQUIRED.--ELIGIBILITY FOR ISSUANCE OF A
10 LICENSE UNDER THIS CHAPTER SHALL BE A CONTINUING REQUIREMENT FOR
11 MAINTAINING SUCH LICENSE.

12 (C) COMPLIANCE.--FOLLOWING ISSUANCE OF AN INITIAL LICENSE
13 AND TO BE ELIGIBLE FOR RENEWAL OF A LICENSE, AN APPLICANT SHALL
14 BE IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL
15 LAWS.

16 § 57A05. LICENSE ISSUANCE AND APPEAL OF DENIAL.

17 (A) GENERAL RULE.--THE AUTHORITY SHALL GRANT AN APPLICATION
18 AND ISSUE A LICENSE TO AN APPLICANT THAT MEETS ALL OF THE
19 REQUIREMENTS OF SECTIONS 57A03 (RELATING TO APPLICATION) AND
20 57A04 (RELATING TO QUALIFICATIONS FOR LICENSURE).

21 (B) DENIAL.--IF AN APPLICATION FOR THE ISSUANCE OR RENEWAL
22 OF A LICENSE IS DENIED, THE APPLICANT MAY, WITHIN 10 DAYS OF
23 NOTICE OF THE DENIAL, FILE A PETITION WITH THE AUTHORITY WHICH
24 SPECIFICALLY AVERS THAT THE REASON FOR THE DENIAL IS ERRONEOUS,
25 UNLAWFUL OR OTHERWISE INVALID. THE AUTHORITY SHALL PRESCRIBE
26 FILING PROCEDURES AND THE FORM FOR THE PETITION.

27 (C) APPEAL HEARING.--THE AUTHORITY SHALL FIX THE TIME AND
28 PLACE FOR A HEARING ON A PROPERLY FILED APPEAL AND SHALL SERVE
29 NOTICE OF THE APPEAL ON THE PARTIES OF INTEREST.

30 (D) DECISION OF APPEAL.--AFTER A HEARING UNDER SUBSECTION

1 (C), THE AUTHORITY, OR A DESIGNATED HEARING OFFICER, SHALL ISSUE
2 A DECISION, WHICH SHALL INCLUDE FINDINGS OF FACT, IN SUFFICIENT
3 DETAIL TO ENABLE A COURT TO DETERMINE ON APPEAL THE FOLLOWING:

4 (1) THE QUESTION PRESENTED BY THE APPEAL; AND

5 (2) WHETHER PROPER WEIGHT WAS GIVEN TO THE EVIDENCE.

6 (E) HEARING PROCEDURE.--THE AUTHORITY MAY ADOPT HEARING AND
7 ADMINISTRATIVE PROCEDURES BY REGULATION FOR HEARINGS UNDER
8 SUBSECTION (C). A PERSON AGGRIEVED BY AN ORDER OF THE AUTHORITY
9 ENTERED UNDER THIS CHAPTER MAY APPEAL THE ORDER TO THE COURT OF
10 COMMON PLEAS OF PHILADELPHIA COUNTY. ALL APPEALS SHALL BE
11 GOVERNED BY 2 PA.C.S. CH. 7 (RELATING TO JUDICIAL REVIEW) AND
12 CHAPTER 15 OF THE PENNSYLVANIA RULES OF APPELLATE PROCEDURE.

13 (F) THIRD PARTIES PROHIBITED.--NO THIRD PARTY MAY PROTEST OR
14 OBJECT TO AN APPLICATION FOR A LICENSE.

15 (G) WAITING PERIOD FOLLOWING DENIAL.--AFTER ENTRY OF A
16 DENIAL OF AN APPEAL, THE APPLICANT SHALL BE INELIGIBLE TO MAKE A
17 NEW APPLICATION FOR A PERIOD OF SIX MONTHS.

18 (H) OPERATION DURING PENDING APPLICATION.--A TRANSPORTATION
19 NETWORK COMPANY OPERATING IN THE CITY BEFORE THE EFFECTIVE DATE
20 OF THIS SECTION MAY CONTINUE OPERATING DURING THE PENDENCY OF AN
21 APPLICATION UNDER SECTION 57A03 AS LONG AS THE COMPANY FILES AN
22 APPLICATION WITHIN 45 DAYS OF THE EFFECTIVE DATE OF THIS ACT.

23 (I) APPROVAL REQUIRED FOR LICENSE TRANSFER.--A
24 TRANSPORTATION NETWORK COMPANY LICENSE IS NONTRANSFERABLE UNLESS
25 THE TRANSFER IS APPROVED BY THE AUTHORITY. A CHANGE IN CONTROL
26 IS PERMISSIBLE AS LONG AS THE TRANSPORTATION NETWORK COMPANY
27 PROVIDES NOTICE TO THE AUTHORITY WITHIN 30 DAYS OF THE CHANGE IN
28 CONTROL.

29 § 57A06. LICENSE ENFORCEMENT.

30 THE AUTHORITY SHALL HAVE THE POWER TO INITIATE A REGULATORY

1 ENFORCEMENT ACTION AGAINST ANY LICENSEE OR PERSON HOLDING
2 THEMSELVES OUT TO BE A LICENSEE THROUGH THE PROCESS PROVIDED
3 UNDER SECTION 5705(A) (RELATING TO CONTESTED COMPLAINTS) AND
4 REGULATIONS PROMULGATED BY THE AUTHORITY PROVIDING FOR THE FORM
5 AND PROCESS OF AN ENFORCEMENT ACTION.

6 § 57A06.1. APPEALS GENERALLY.

7 A PERSON AGGRIEVED BY AN ORDER OF THE AUTHORITY ENTERED
8 PURSUANT TO THIS CHAPTER MAY APPEAL THE ORDER TO THE COURT OF
9 COMMON PLEAS OF PHILADELPHIA COUNTY. ALL APPEALS SHALL BE
10 GOVERNED BY 2 PA.C.S. CH. 7 (RELATING TO JUDICIAL REVIEW) AND
11 CHAPTER 15 OF THE PENNSYLVANIA RULES OF APPELLATE PROCEDURE.

12 § 57A07. INSURANCE REQUIREMENTS.

13 (A) GENERAL RULE.--A TRANSPORTATION NETWORK COMPANY DRIVER
14 OR TRANSPORTATION NETWORK COMPANY ON THE DRIVER'S BEHALF SHALL
15 MAINTAIN PRIMARY AUTOMOBILE INSURANCE THAT RECOGNIZES THAT THE
16 DRIVER IS A TRANSPORTATION NETWORK COMPANY DRIVER OR OTHERWISE
17 USES A VEHICLE TO TRANSPORT PASSENGERS FOR COMPENSATION.

18 (B) WHILE NOT ENGAGED WITH A PREARRANGED RIDE.--THE
19 FOLLOWING AUTOMOBILE INSURANCE REQUIREMENTS SHALL APPLY TO THE
20 TRANSPORTATION NETWORK COMPANY DRIVER OR THE TRANSPORTATION
21 NETWORK COMPANY ON THE DRIVER'S BEHALF WHILE A PARTICIPATING
22 TRANSPORTATION NETWORK COMPANY DRIVER IS LOGGED ONTO THE DIGITAL
23 NETWORK AND IS AVAILABLE TO RECEIVE TRANSPORTATION REQUESTS BUT
24 IS NOT ENGAGED IN A PREARRANGED RIDE:

25 (1) PRIMARY AUTOMOBILE LIABILITY INSURANCE IN THE AMOUNT
26 OF AT LEAST \$50,000 FOR DEATH AND BODILY INJURY PER PERSON,
27 \$100,000 FOR DEATH AND BODILY INJURY PER INCIDENT AND \$25,000
28 FOR PROPERTY DAMAGE.

29 (2) FIRST-PARTY MEDICAL BENEFITS, INCLUDING \$25,000 FOR
30 PEDESTRIANS AND \$5,000 FOR A DRIVER.

1 (C) WHILE ENGAGED WITH A PREARRANGED RIDE.--THE FOLLOWING
2 AUTOMOBILE INSURANCE REQUIREMENTS SHALL APPLY WHILE A
3 TRANSPORTATION NETWORK COMPANY DRIVER IS ENGAGED IN A
4 PREARRANGED RIDE:

5 (1) PRIMARY AUTOMOBILE LIABILITY INSURANCE THAT PROVIDES
6 AT LEAST \$500,000 FOR DEATH, BODILY INJURY AND PROPERTY
7 DAMAGE.

8 (2) FIRST-PARTY MEDICAL BENEFITS AS REQUIRED BY 75
9 PA.C.S. § 1711 (RELATING TO REQUIRED BENEFITS) ON A PER-
10 INCIDENT BASIS FOR INCIDENTS INVOLVING A TRANSPORTATION
11 NETWORK COMPANY DRIVER'S OPERATION OF A PERSONAL VEHICLE
12 WHILE ENGAGED IN A PREARRANGED RIDE, INCLUDING \$25,000 FOR
13 PASSENGERS AND PEDESTRIANS AND \$5,000 FOR A DRIVER.

14 (D) SATISFACTION OF COVERAGE REQUIREMENTS.--THE COVERAGE
15 REQUIREMENTS UNDER THIS SECTION MAY BE SATISFIED BY ANY OF THE
16 FOLLOWING:

17 (1) AUTOMOBILE INSURANCE MAINTAINED BY THE
18 TRANSPORTATION NETWORK COMPANY DRIVER;

19 (2) AUTOMOBILE INSURANCE MAINTAINED BY THE
20 TRANSPORTATION NETWORK COMPANY; OR

21 (3) ANY COMBINATION OF PARAGRAPHS (1) AND (2).

22 (E) LAPSED OR INADEQUATE INSURANCE.--IF THE INSURANCE
23 REQUIRED UNDER SUBSECTION (B) OR (C) HAS LAPSED OR DOES NOT
24 PROVIDE THE REQUIRED COVERAGE, INSURANCE MAINTAINED BY A
25 TRANSPORTATION NETWORK COMPANY SHALL PROVIDE THE COVERAGE
26 REQUIRED BY THIS SECTION BEGINNING WITH THE FIRST DOLLAR OF A
27 CLAIM, AND THE TRANSPORTATION NETWORK COMPANY'S INSURER SHALL
28 HAVE THE DUTY TO DEFEND SUCH CLAIM.

29 (F) PRIMARY INSURANCE.--COVERAGE UNDER AN AUTOMOBILE
30 INSURANCE POLICY MAINTAINED UNDER THIS SECTION SHALL BE PRIMARY

1 AND NOT BE DEPENDENT ON A PERSONAL AUTOMOBILE INSURER FIRST
2 DENYING A CLAIM NOR SHALL A PERSONAL AUTOMOBILE INSURANCE POLICY
3 BE REQUIRED TO FIRST DENY A CLAIM.

4 (G) CERTIFICATE OF INSURANCE.--A CERTIFICATE OF INSURANCE
5 MUST BE FILED BY THE INSURANCE CARRIER EVIDENCING THE INSURANCE
6 REQUIRED UNDER THIS SECTION AND MUST BE IN A FORM PROMULGATED BY
7 THE AUTHORITY.

8 (H) DEPOSIT OF CERTIFICATE OF INSURANCE.--INSURANCE REQUIRED
9 UNDER THIS SUBSECTION SHALL BE PLACED WITH EITHER AN INSURER
10 THAT HAS OBTAINED A CERTIFICATE OF AUTHORITY UNDER SECTION 208
11 OF THE ACT OF MAY 17, 1921 (P.L.789, NO.285), KNOWN AS THE
12 INSURANCE DEPARTMENT ACT OF 1921, OR A SURPLUS LINES INSURER
13 ELIGIBLE UNDER SECTION 1605 OF THE ACT OF MAY 17, 1921 (P.L.682,
14 NO.284), KNOWN AS THE INSURANCE COMPANY LAW OF 1921.

15 (I) FINANCIAL RESPONSIBILITY REQUIREMENT.--INSURANCE
16 SATISFYING THE REQUIREMENTS OF THIS SECTION SHALL BE DEEMED TO
17 SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENT FOR A MOTOR
18 VEHICLE UNDER 75 PA.C.S. CH. 17 (RELATING TO FINANCIAL
19 RESPONSIBILITY).

20 (J) PROOF OF INSURANCE COVERAGE REQUIRED.--A TRANSPORTATION
21 NETWORK COMPANY DRIVER SHALL CARRY PROOF OF COVERAGE SATISFYING
22 SUBSECTIONS (B) AND (C) WHEN THE DRIVER USES A VEHICLE IN
23 CONNECTION WITH A DIGITAL NETWORK. IN THE EVENT OF AN ACCIDENT,
24 A TRANSPORTATION NETWORK COMPANY DRIVER SHALL PROVIDE THE PROOF
25 OF INSURANCE COVERAGE TO THE DIRECTLY INTERESTED PARTIES,
26 AUTOMOBILE INSURERS AND INVESTIGATING POLICE OFFICERS UNDER 75
27 PA.C.S. § 1786 (RELATING TO REQUIRED FINANCIAL RESPONSIBILITY).
28 A TRANSPORTATION NETWORK COMPANY DRIVER SHALL DISCLOSE TO
29 DIRECTLY INTERESTED PARTIES, AUTOMOBILE INSURERS AND
30 INVESTIGATING POLICE OFFICERS WHETHER THE DRIVER WAS LOGGED ONTO

1 THE DIGITAL NETWORK OR ON A PREARRANGED RIDE AT THE TIME OF AN
2 ACCIDENT.

3 (K) RESPONSIBILITY OF TRANSPORTATION NETWORK COMPANY.--THE
4 TRANSPORTATION NETWORK COMPANY SHALL BE RESPONSIBLE TO ENSURE
5 THAT AUTOMOBILE INSURANCE COVERAGE REQUIRED TO BE CARRIED BY THE
6 TRANSPORTATION NETWORK COMPANY DRIVER UNDER THIS SECTION IS IN
7 FORCE PRIOR TO PERMITTING A TRANSPORTATION NETWORK COMPANY
8 DRIVER TO PROVIDE TRANSPORTATION NETWORK SERVICE.

9 (L) AUTOMOBILE INSURANCE PROVISIONS.--THE FOLLOWING SHALL
10 APPLY:

11 (1) INSURERS THAT WRITE AUTOMOBILE INSURANCE IN THIS
12 COMMONWEALTH MAY EXCLUDE ANY AND ALL COVERAGE AFFORDED UNDER
13 THE POLICY ISSUED TO AN OWNER OR OPERATOR OF A PERSONAL
14 VEHICLE FOR ANY LOSS OR INJURY THAT OCCURS WHILE A DRIVER IS
15 LOGGED ONTO A DIGITAL NETWORK OR WHILE A DRIVER PROVIDES A
16 PREARRANGED RIDE. THE RIGHT TO EXCLUDE ALL COVERAGE MAY APPLY
17 TO ANY COVERAGE INCLUDED IN AN AUTOMOBILE INSURANCE POLICY,
18 INCLUDING, BUT NOT LIMITED TO:

19 (I) LIABILITY COVERAGE FOR BODILY INJURY AND
20 PROPERTY DAMAGE;

21 (II) UNINSURED AND UNDERINSURED MOTORIST COVERAGE;

22 (III) MEDICAL PAYMENTS COVERAGE;

23 (IV) COMPREHENSIVE PHYSICAL DAMAGE COVERAGE;

24 (V) COLLISION PHYSICAL DAMAGE COVERAGE; AND

25 (VI) FIRST-PARTY MEDICAL BENEFITS REQUIRED UNDER
26 SUBSECTION (B).

27 (2) NOTWITHSTANDING ANY REQUIREMENT UNDER 75 PA.C.S. CH.
28 17, EXCLUSIONS UNDER SUBSECTION (B) SHALL APPLY. NOTHING IN
29 THIS SECTION SHALL REQUIRE THAT A PERSONAL AUTOMOBILE
30 INSURANCE POLICY PROVIDE COVERAGE WHILE THE DRIVER IS LOGGED

1 ON TO A DIGITAL NETWORK, WHILE THE DRIVER IS ENGAGED IN A
2 PREARRANGED RIDE OR WHILE THE DRIVER OTHERWISE USES A VEHICLE
3 TO TRANSPORT PASSENGERS FOR COMPENSATION. NOTHING IN THIS
4 SUBSECTION SHALL BE DEEMED TO PRECLUDE AN INSURER FROM
5 PROVIDING COVERAGE FOR THE PERSONAL VEHICLE IF THE INSURER
6 CHOOSES TO DO SO BY CONTRACT OR ENDORSEMENT.

7 (3) AUTOMOBILE INSURERS THAT EXCLUDE THE COVERAGE
8 DESCRIBED IN PARAGRAPH (1) SHALL HAVE NO DUTY TO DEFEND OR
9 INDEMNIFY ANY CLAIM EXPRESSLY EXCLUDED UNDER THE COVERAGE.
10 NOTHING IN THIS SECTION SHALL BE DEEMED TO INVALIDATE OR
11 LIMIT AN EXCLUSION CONTAINED IN A PERSONAL INSURANCE POLICY,
12 INCLUDING ANY POLICY IN USE OR APPROVED FOR USE IN THIS
13 COMMONWEALTH PRIOR TO THE ENACTMENT OF THIS SECTION, THAT
14 EXCLUDES COVERAGE FOR VEHICLES USED TO CARRY PERSONS OR
15 PROPERTY FOR A CHARGE OR AVAILABLE FOR HIRE BY THE PUBLIC.

16 (4) AN AUTOMOBILE INSURER THAT DEFENDS OR INDEMNIFIES A
17 CLAIM AGAINST A DRIVER THAT IS EXCLUDED UNDER THE TERMS OF
18 ITS POLICY SHALL HAVE A RIGHT OF CONTRIBUTION AGAINST OTHER
19 INSURERS THAT PROVIDE AUTOMOBILE INSURANCE TO THE SAME DRIVER
20 IN SATISFACTION OF THE COVERAGE REQUIREMENTS OF SUBSECTION
21 (A) AT THE TIME OF LOSS.

22 (5) IN A CLAIMS COVERAGE INVESTIGATION, TRANSPORTATION
23 NETWORK COMPANIES AND ANY INSURER POTENTIALLY PROVIDING
24 COVERAGE UNDER SUBSECTION (A) SHALL COOPERATE TO FACILITATE
25 THE EXCHANGE OF RELEVANT INFORMATION WITH DIRECTLY INVOLVED
26 PARTIES AND ANY INSURER OF THE TRANSPORTATION NETWORK COMPANY
27 DRIVER, INCLUDING THE PRECISE TIMES THAT A TRANSPORTATION
28 NETWORK COMPANY DRIVER LOGGED ON AND LOGGED OFF OF THE
29 DIGITAL NETWORK IN THE 12-HOUR PERIOD IMMEDIATELY PRECEDING
30 AND IN THE 12-HOUR PERIOD IMMEDIATELY FOLLOWING THE ACCIDENT

1 AND DISCLOSE A CLEAR DESCRIPTION OF THE COVERAGE, EXCLUSIONS
2 AND LIMITS PROVIDED UNDER ANY AUTOMOBILE INSURANCE MAINTAINED
3 UNDER SUBSECTION (A).

4 (M) WAIVER OF LIABILITY.--THE FOLLOWING SHALL APPLY:

5 (1) A TRANSPORTATION NETWORK COMPANY OR TRANSPORTATION
6 NETWORK COMPANY DRIVER MAY NOT REQUEST OR REQUIRE A PASSENGER
7 TO SIGN A WAIVER OF POTENTIAL LIABILITY FOR A LOSS OF
8 PERSONAL PROPERTY OR INJURY.

9 (2) A TRANSPORTATION NETWORK COMPANY MAY NOT REQUEST OR
10 REQUIRE A TRANSPORTATION NETWORK COMPANY DRIVER TO SIGN A
11 WAIVER OF POTENTIAL LIABILITY FOR A LOSS OF PERSONAL PROPERTY
12 OR INJURY AS A CONDITION OF ENTERING INTO A LEASE AGREEMENT.

13 (3) FOR THE PURPOSES OF THIS SUBSECTION, SIGNING A
14 WAIVER SHALL INCLUDE REQUIRING A PROSPECTIVE CUSTOMER TO
15 AGREE TO THE TERMS AND CONDITIONS REQUIRED TO DOWNLOAD A
16 DIGITAL APPLICATION AS A CONDITION FOR OBTAINING
17 TRANSPORTATION NETWORK SERVICES.

18 (N) DISCLOSURES.--THE TRANSPORTATION NETWORK COMPANY SHALL
19 PROVIDE THE FOLLOWING DISCLOSURES:

20 (1) INSURANCE COVERAGE, INCLUDING THE TYPES OF COVERAGE
21 AND THE LIMITS FOR EACH COVERAGE THAT THE TRANSPORTATION
22 NETWORK COMPANY PROVIDES WHILE THE TRANSPORTATION NETWORK
23 COMPANY DRIVER USES A VEHICLE IN CONNECTION WITH A DIGITAL
24 NETWORK.

25 (2) NOTICE THAT THE TERMS OF THE TRANSPORTATION NETWORK
26 COMPANY DRIVER'S OWN AUTOMOBILE INSURANCE POLICY MIGHT NOT
27 PROVIDE ANY COVERAGE WHILE THE DRIVER IS LOGGED ON TO THE
28 DIGITAL NETWORK AND AVAILABLE TO RECEIVE TRANSPORTATION
29 REQUESTS OR IS ENGAGED IN A PREARRANGED RIDE.

30 (3) IF A TRANSPORTATION NETWORK COMPANY DRIVER DOES NOT

1 HAVE THE TYPE OF POLICY REQUIRED BY SUBSECTION (A), NOTICE
2 THAT THE TRANSPORTATION NETWORK COMPANY WILL PROVIDE ALL
3 REQUIRED INSURANCE.

4 (4) THE ACCIDENT PROTOCOL REQUIRED UNDER SECTION
5 SUBSECTION (J).

6 (5) NOTICE THAT THE DRIVER MUST NOTIFY THE FOLLOWING:

7 (I) THE DRIVER'S AUTO INSURANCE COMPANY OR INSURANCE
8 AGENT THAT THE DRIVER WILL BE USING THE VEHICLE TO
9 PROVIDE SERVICES UNDER THIS CHAPTER.

10 (II) IF THE DRIVER WILL NOT BE USING A VEHICLE OWNED
11 AND INSURED BY THE DRIVER, THE DISCLOSURES UNDER THIS
12 SECTION SHALL BE PROVIDED TO THE POLICYHOLDER AND TO THE
13 OWNER OF THE VEHICLE.

14 (O) FORM OF DISCLOSURES.--A DISCLOSURE UNDER SUBSECTION (N)
15 SHALL BE PROVIDED IN WRITING TO ALL TRANSPORTATION NETWORK
16 COMPANY DRIVERS PRIOR TO THE DESIGNATION OF AN INDIVIDUAL AS A
17 TRANSPORTATION NETWORK COMPANY DRIVER. TRANSPORTATION NETWORK
18 COMPANIES SHALL RETAIN WRITTEN OR ELECTRONIC VERIFICATION
19 RECORDS OF THE RECEIPT OF DISCLOSURES REQUIRED UNDER THIS
20 SECTION BY THE TRANSPORTATION NETWORK COMPANY DRIVER.

21 § 57A08. VEHICLE OWNERSHIP AND STANDARDS.

22 (A) GENERAL RULE.--IN ADDITION TO ALL OTHER LEGAL
23 REQUIREMENTS, IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE OR
24 CAUSE TO BE OPERATED ANY VEHICLE TO PROVIDE TRANSPORTATION
25 NETWORK SERVICE UNLESS SUCH VEHICLE:

26 (1) HAS A MANUFACTURER'S RATED SEATING CAPACITY OF LESS
27 THAN 10 PERSONS, INCLUDING THE TRANSPORTATION NETWORK COMPANY
28 DRIVER;

29 (2) HAS AT LEAST FOUR DOORS AND MEETS FEDERAL MOTOR
30 VEHICLE SAFETY STANDARDS FOR VEHICLES OF ITS SIZE, TYPE AND

1 PROPOSED USE;

2 (3) IS A COUPE, SEDAN OR LIGHT-DUTY VEHICLE, INCLUDING A
3 VAN, MINIVAN, SPORT UTILITY VEHICLE, PICKUP TRUCK, HATCHBACK
4 OR CONVERTIBLE;

5 (4) HAS NOT BEEN ISSUED THE TITLE CLASS OF "SALVAGE,"
6 "REBUILT," "JUNK," "TOTAL LOSS" OR ANY EQUIVALENT
7 CLASSIFICATION; AND

8 (5) IS NOT OLDER THAN 10 MODEL YEARS, OR 12 MODEL YEARS
9 IF THE VEHICLE IS AN ALTERNATIVE FUEL VEHICLE, AS DEFINED IN
10 SECTION 2 OF THE ACT OF NOVEMBER 29, 2004 (P.L.1376, NO.178),
11 KNOWN AS THE ALTERNATIVE FUELS INCENTIVE ACT, AND HAS BEEN
12 DRIVEN NO MORE THAN 350,000 MILES. THE AUTHORITY MAY INCREASE
13 THE AGE OR MILEAGE LIMITS SET FORTH IN THIS PARAGRAPH BY
14 REGULATION OR ORDER.

15 (B) PERSONAL USE PROHIBITED.--NO VEHICLE LICENSED AS A TAXI
16 OR LIMOUSINE WITHIN THIS COMMONWEALTH SHALL BE OPERATED AS A
17 PERSONAL VEHICLE BY A DRIVER AFFILIATED WITH A TRANSPORTATION
18 NETWORK COMPANY. NOTHING PROVIDED IN THIS CHAPTER SHALL BE
19 CONSTRUED TO PROHIBIT OR LIMIT THE UTILIZATION OF AN INTERNET-
20 ENABLED APPLICATION OR DIGITAL PLATFORM FOR THE PROVISION OF
21 TAXICAB OR LIMOUSINE SERVICE OR OTHER PUBLIC TRANSPORTATION
22 VEHICLES PURSUANT TO CHAPTER 57 (RELATING TO TAXICABS AND
23 LIMOUSINES IN FIRST CLASS CITIES).

24 (C) VIOLATION.--IT SHALL BE A VIOLATION OF THIS CHAPTER FOR
25 A TRANSPORTATION NETWORK COMPANY TO KNOWINGLY PERMIT A
26 TRANSPORTATION NETWORK COMPANY DRIVER TO USE A PERSONAL VEHICLE
27 TO PROVIDE TRANSPORTATION NETWORK SERVICE THAT DOES NOT MEET THE
28 REQUIREMENTS OF THIS SECTION.

29 § 57A09. VEHICLE INSPECTIONS.

30 (A) PERSONAL VEHICLE.--A TRANSPORTATION NETWORK COMPANY

1 SHALL NOT ALLOW ANY VEHICLE REGISTERED IN THIS COMMONWEALTH TO
2 BE USED AS A PERSONAL VEHICLE UNLESS THE VEHICLE IS INSPECTED
3 ACCORDING TO 75 PA.C.S. CH. 47 (RELATING TO INSPECTION OF
4 VEHICLES) AND HAS PASSED THE INSPECTION. A VALID CERTIFICATE OF
5 INSPECTION SHALL BE MAINTAINED IN ALL VEHICLES. FOR VEHICLES
6 REGISTERED OUTSIDE OF THIS COMMONWEALTH, INSPECTION MUST BE
7 CONDUCTED AT A FACILITY APPROVED BY THE DEPARTMENT OF
8 TRANSPORTATION OR AN INSPECTION STATION AUTHORIZED BY THE
9 GOVERNMENT OF THE JURISDICTION IN WHICH THE VEHICLE IS
10 REGISTERED AND MUST SATISFY THE VEHICLE INSPECTION STANDARDS OF
11 THAT JURISDICTION.

12 (B) ADDITIONAL INSPECTION REQUIREMENT.--

13 (1) NO MORE THAN ONCE EVERY FOUR MONTHS, THE AUTHORITY
14 MAY REQUEST THAT A TRANSPORTATION NETWORK COMPANY PROVIDE THE
15 AUTHORITY WITH THE LAST FOUR DIGITS OF THE LICENSE PLATE
16 NUMBER, STATE OF LICENSE PLATE, MAKE AND MODEL OF THE
17 CORRESPONDING VEHICLE AND EXPIRATION DATE OF THEIR CURRENT
18 VEHICLE INSPECTION FOR THE FOLLOWING NUMBER OF RANDOMLY
19 SELECTED VEHICLES:

20 (I) UP TO 500 VEHICLES FOR A CLASS A TRANSPORTATION
21 NETWORK COMPANY;

22 (II) UP TO 250 VEHICLES FOR A CLASS B TRANSPORTATION
23 NETWORK COMPANY; AND

24 (III) UP TO 100 VEHICLES FOR A CLASS C
25 TRANSPORTATION NETWORK COMPANY.

26 (1.1) THE LIST OF VEHICLES THAT A TRANSPORTATION NETWORK
27 COMPANY PROVIDES UNDER PARAGRAPH (1) TO THE AUTHORITY SHALL
28 BE COMPRISED AS FOLLOWS:

29 (I) NINETY PERCENT OF THE VEHICLES ON THE LIST SHALL
30 CONSIST OF VEHICLES OPERATED BY TRANSPORTATION NETWORK

1 COMPANY DRIVERS WHO HAVE COMPLETED AT LEAST 100
2 PREARRANGED RIDES IN THE PRECEDING SIX-WEEK PERIOD.

3 (II) FIVE PERCENT OF THE VEHICLES ON THE LIST SHALL
4 CONSIST OF VEHICLES OPERATED BY TRANSPORTATION NETWORK
5 COMPANY DRIVERS WHO HAVE COMPLETED AT LEAST 20
6 PREARRANGED RIDES IN THE PRECEDING SIX-WEEK PERIOD AND
7 WHO LIVE IN THE CITY OR WITHIN A 15-MILE RADIUS OF AN
8 INSPECTION STATION OPERATED BY THE AUTHORITY.

9 (III) FIVE PERCENT OF THE VEHICLES ON THE LIST SHALL
10 CONSIST OF VEHICLES OPERATED BY TRANSPORTATION NETWORK
11 COMPANY DRIVERS WHO HAVE COMPLETED AT LEAST 10
12 PREARRANGED IN THE PRECEDING SIX-WEEK PERIOD AND WHO LIVE
13 IN THE CITY OR WITHIN A 15-MILE RADIUS OF AN INSPECTION
14 STATION OPERATED BY THE AUTHORITY.

15 (2) A VEHICLE SHALL NOT BE SUBJECT TO THE RANDOM
16 INSPECTION PROCESS UNDER THIS SUBSECTION IF IT PASSED AN
17 INSPECTION IN ACCORDANCE WITH SUBSECTION (B) IN THE PRECEDING
18 180-DAY PERIOD.

19 (3) THE FOLLOWING SHALL APPLY:

20 (I) NO MORE THAN ONCE EVERY 30 DAYS, THE AUTHORITY
21 MAY SELECT FOR RANDOM INSPECTION A SUBSET OF VEHICLES
22 FROM THE LIST PROVIDED UNDER PARAGRAPH (1) (II). THE
23 AUTHORITY SHALL NOTIFY THE TRANSPORTATION NETWORK COMPANY
24 THAT THE DRIVERS ASSOCIATED WITH THOSE VEHICLES MUST
25 SUBMIT THEIR VEHICLE FOR AN INSPECTION CONDUCTED BY THE
26 AUTHORITY TO VERIFY THAT THE VEHICLE SATISFIES THE
27 MECHANICAL INSPECTION REQUIRED UNDER 75 PA.C.S. CH. 47
28 AND VEHICLE QUALITY STANDARDS UNDER SUBPARAGRAPH (III).
29 THE INSPECTION SHALL OCCUR NO MORE THAN 20 DAYS FROM THE
30 DATE OF NOTICE TO THE TRANSPORTATION NETWORK COMPANY IF

1 THE AUTHORITY PROVIDES SELECTED DRIVERS WITH A REASONABLE
2 OPPORTUNITY TO SCHEDULE INSPECTIONS IN ADVANCE.

3 (II) THE AUTHORITY MAY SELECT THE FOLLOWING NUMBER
4 OF VEHICLES FOR INSPECTION UNDER SUBPARAGRAPH (I):

5 (A) CLASS A TRANSPORTATION NETWORK COMPANY: UP
6 TO 35 VEHICLES EVERY 30 DAYS.

7 (B) CLASS B TRANSPORTATION NETWORK COMPANY: UP
8 TO 25 VEHICLES EVERY 30 DAYS.

9 (C) CLASS C TRANSPORTATION NETWORK COMPANY: UP
10 TO 15 VEHICLES EVERY 30 DAYS.

11 (III) THE VEHICLE QUALITY INSPECTION AUTHORIZED
12 UNDER SUBPARAGRAPH (I) SHALL VERIFY THE FOLLOWING:

13 (A) NO DENTS LARGER THAN 12 INCHES ACROSS.

14 (B) NO LOOSE BODY PANELS OR BUMPERS.

15 (C) EXTERIOR DOOR HANDLES ARE FUNCTIONAL.

16 (D) NO VANDALISM OR SPRAY GRAFFITI ON THE
17 EXTERIOR OF THE VEHICLE.

18 (E) THE INTERIOR IS GENERALLY CLEAN.

19 (F) ALL SEAT BELTS ARE WORKING.

20 (G) THE DOOR SEALS ARE INTACT.

21 (H) NO TEARS IN THE UPHOLSTERY THAT EXCEED 3
22 INCHES.

23 (I) THE WINDOWS ARE OPERATIONAL.

24 (J) INTERIOR DOOR HANDLES ARE OPERATIONAL.

25 (K) INTERIOR LIGHTS ARE OPERATIONAL.

26 (L) THERE ARE FOUR DOORS AND THE DOORS ARE
27 PROPERLY ALIGNED.

28 (M) THE INTERIOR DOOR LOCKS ARE FUNCTIONAL.

29 (N) A FUNCTIONING AIR CONDITIONING SYSTEM
30 CAPABLE OF KEEPING THE INTERIOR OF THE VEHICLE

1 BETWEEN 60 AND 78 DEGREES.

2 (4) IN ACCORDANCE WITH 75 PA.C.S. § 4727 (RELATING TO
3 ISSUANCE OF CERTIFICATE OF INSPECTION), THE AUTHORITY MAY
4 ISSUE A CERTIFICATE OF INSPECTION TO ANY ELIGIBLE VEHICLE
5 THAT SATISFIES THE MECHANICAL INSPECTION REQUIRED UNDER 75
6 PA.C.S. CH. 47 AND ANY OTHER REQUIRED STATE INSPECTION,
7 INCLUDING EMISSIONS TESTING. THE AUTHORITY MAY CHARGE
8 STANDARD FEES FOR ISSUANCE OF A CERTIFICATE OF INSPECTION.

9 (5) IF THE AUTHORITY DETERMINES THAT A VEHICLE INSPECTED
10 UNDER PARAGRAPH (3) (I) DOES NOT SATISFY 75 PA.C.S. CH. 47 AND
11 THE VEHICLE QUALITY INSPECTION AUTHORIZED UNDER PARAGRAPH (3)
12 (III), THE AUTHORITY MAY PROHIBIT THE VEHICLE FROM FURTHER
13 TRANSPORTATION NETWORK SERVICE IN THE CITY AND DIRECT ANY
14 TRANSPORTATION NETWORK COMPANY TO DISQUALIFY THE VEHICLE FROM
15 BEING USED TO PROVIDE TRANSPORTATION NETWORK SERVICE IN THE
16 CITY UNTIL THE INDIVIDUAL HAS SATISFIED THE AUTHORITY THAT
17 THE VEHICLE COMPLIES WITH 75 PA.C.S. CH. 47 AND THE VEHICLE
18 QUALITY INSPECTION UNDER PARAGRAPH (3) (III). THE AUTHORITY
19 SHALL PROVIDE A CLEAR EXPLANATION TO THE DRIVER OF THE
20 COMPONENTS THAT CAUSED THE VEHICLE TO FAIL THE INSPECTION AND
21 AN OPPORTUNITY FOR A REINSPECTION WITHIN A REASONABLE PERIOD
22 OF TIME.

23 (6) A DRIVER WHO FAILS TO UNDERGO A VEHICLE INSPECTION
24 WITHIN THE TIME PERIOD REQUIRED BY THIS SUBSECTION SHALL BE
25 PROHIBITED FROM OPERATING AS A DRIVER IN THE CITY UNTIL THEY
26 HAVE COMPLETED THE VEHICLE INSPECTION.

27 (7) THE FOLLOWING SHALL APPLY:

28 (I) A VEHICLE THAT WAS DESIGNATED FOR INSPECTION IN
29 ACCORDANCE WITH PARAGRAPH (1) (I) AND THAT PASSES THE
30 INSPECTION AUTHORIZED UNDER THIS SUBSECTION SHALL NOT BE

1 SUBJECT TO ANOTHER INSPECTION UNDER THIS SUBSECTION FOR
2 AT LEAST TWO YEARS FROM THE DATE OF COMPLETION.

3 (II) A VEHICLE THAT WAS DESIGNATED FOR INSPECTION IN
4 ACCORDANCE WITH PARAGRAPH (1) (II) AND (III) AND THAT
5 PASSES THE INSPECTION AUTHORIZED UNDER THIS SUBSECTION
6 SHALL NOT BE SUBJECT TO ANOTHER INSPECTION UNDER THIS
7 SUBSECTION FOR AT LEAST THREE YEARS FROM THE DATE OF
8 COMPLETION.

9 (C) IDENTIFYING INFORMATION.--EXCEPT AS OTHERWISE PROVIDED
10 IN THIS SECTION, THE LICENSE PLATE INFORMATION PROVIDED BY A
11 TRANSPORTATION NETWORK COMPANY TO THE AUTHORITY UNDER SUBSECTION
12 (B) AND ANY OTHER IDENTIFYING INFORMATION OBTAINED BY THE
13 AUTHORITY ABOUT THE VEHICLES OR DRIVERS THAT UNDERGO VEHICLE
14 INSPECTIONS IN ACCORDANCE WITH THIS SECTION IS CONFIDENTIAL AND
15 NOT BE SUBJECT TO DISCLOSURE TO A THIRD PARTY BY THE AUTHORITY,
16 INCLUDING THROUGH A REQUEST SUBMITTED UNDER THE ACT OF FEBRUARY
17 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

18 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
19 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
20 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

21 "ACTIVE DRIVER." A DRIVER WHO HAS COMPLETED AT LEAST ONE
22 PREARRANGED RIDE THAT WAS REQUESTED THROUGH THE TRANSPORTATION
23 NETWORK COMPANY'S DIGITAL NETWORK IN THE 90 DAYS IMMEDIATELY
24 PRECEDING THE DATE OF SUBMISSION OF THE COMPANY'S APPLICATION
25 FOR A TRANSPORTATION NETWORK COMPANY LICENSE OR SUBMISSION OF
26 ITS APPLICATION FOR RENEWAL.

27 "CLASS A TRANSPORTATION NETWORK COMPANY." A TRANSPORTATION
28 NETWORK COMPANY THAT, AT THE TIME OF ISSUANCE OF ITS
29 TRANSPORTATION NETWORK COMPANY LICENSE OR ITS MOST RECENT
30 LICENSE RENEWAL, HAS MORE THAN 10,000 ACTIVE DRIVERS ON ITS

1 DIGITAL NETWORK.

2 "CLASS B TRANSPORTATION NETWORK COMPANY." A TRANSPORTATION
3 NETWORK COMPANY THAT, AT THE TIME OF ISSUANCE OF ITS
4 TRANSPORTATION NETWORK COMPANY LICENSE OR ITS MOST RECENT
5 LICENSE RENEWAL, HAS BETWEEN 1,001 AND 10,000 ACTIVE DRIVERS ON
6 ITS DIGITAL NETWORK.

7 "CLASS C TRANSPORTATION NETWORK COMPANY." A TRANSPORTATION
8 NETWORK COMPANY THAT, AT THE TIME OF ISSUANCE OF ITS
9 TRANSPORTATION NETWORK COMPANY LICENSE OR ITS MOST RECENT
10 LICENSE RENEWAL, HAS BETWEEN 1 AND 1,000 ACTIVE DRIVERS ON ITS
11 DIGITAL NETWORK.

12 § 57A10. DISTINCTIVE SIGNAGE.

13 (A) DISPLAY.--A PERSONAL VEHICLE USED TO PROVIDE
14 TRANSPORTATION NETWORK SERVICE SHALL DISPLAY CONSISTENT AND
15 DISTINCTIVE SIGNAGE AT ALL TIMES WHILE THE DRIVER IS PROVIDING
16 TRANSPORTATION NETWORK SERVICE. THE DISTINCTIVE SIGNAGE SHALL BE
17 SUFFICIENTLY LARGE AND COLOR CONTRASTED AS TO BE READABLE DURING
18 DAYLIGHT HOURS AT A DISTANCE OF AT LEAST 50 FEET AND TO IDENTIFY
19 A PARTICULAR VEHICLE ASSOCIATED WITH A PARTICULAR TRANSPORTATION
20 NETWORK COMPANY. ACCEPTABLE FORMS OF DISTINCTIVE SIGNAGE SHALL
21 INCLUDE, BUT ARE NOT LIMITED TO, SYMBOLS OR SIGNS ON VEHICLE
22 WINDSHIELDS, DOORS, ROOFS OR GRILLES. MAGNETIC OR OTHER
23 REMOVABLE DISTINCTIVE SIGNAGE IS ACCEPTABLE. A TRANSPORTATION
24 NETWORK COMPANY SHALL FILE AN ILLUSTRATION OF THEIR DISTINCTIVE
25 SIGNAGE WITH THE AUTHORITY. THE AUTHORITY MAY NOT REQUIRE
26 SIGNAGE THAT IS DIFFERENT THAN THAT APPROVED BY THE PENNSYLVANIA
27 PUBLIC UTILITY COMMISSION. IF THE PENNSYLVANIA PUBLIC UTILITY
28 COMMISSION DOES NOT APPROVE A FORM OF DISTINCTIVE SIGNAGE, THE
29 AUTHORITY MAY MAKE THE DESIGNATION.

30 (B) WHEELCHAIR-ACCESSIBLE VEHICLES.--WHEELCHAIR-ACCESSIBLE

1 VEHICLES WHICH MAY BE USED TO CONNECT WITH PASSENGERS THROUGH A
2 TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK MUST BE CLEARLY
3 IDENTIFIED AS WHEELCHAIR-ACCESSIBLE VEHICLES WITHIN THE DIGITAL
4 NETWORK IF A WHEELCHAIR-ACCESSIBLE OPTION IS AVAILABLE WITHIN
5 THE DIGITAL NETWORK.

6 (C) EMBLEM.--NO PERMANENTLY AFFIXED EMBLEM MAY BE REQUIRED
7 BY THE AUTHORITY ON VEHICLES AFFILIATED WITH A TRANSPORTATION
8 NETWORK COMPANY.

9 § 57A11. TRANSPORTATION NETWORK SERVICE ACCESSIBILITY.

10 (A) ACCESSIBILITY OF DIGITAL NETWORK.--BY JANUARY 1, 2017,
11 THE DIGITAL NETWORK USED BY A TRANSPORTATION NETWORK COMPANY TO
12 CONNECT DRIVERS AND PASSENGERS SHALL BE ACCESSIBLE TO CUSTOMERS
13 WHO ARE BLIND, VISUALLY IMPAIRED, DEAF AND HARD OF HEARING.

14 (B) DISCRIMINATION IN SERVICE.--

15 (1) WHERE TRANSPORTATION NETWORK SERVICES ARE OFFERED, A
16 TRANSPORTATION NETWORK COMPANY MUST TAKE REASONABLE STEPS TO
17 ENSURE THAT THE SERVICE PROVIDED BY EACH TRANSPORTATION
18 NETWORK COMPANY DRIVER WHO UTILIZES THE DIGITAL NETWORK IS
19 OFFERED IN A NONDISCRIMINATORY MANNER. A TRANSPORTATION
20 NETWORK COMPANY MAY NOT UNLAWFULLY DISCRIMINATE AGAINST A
21 PROSPECTIVE PASSENGER OR UNLAWFULLY REFUSE TO PROVIDE SERVICE
22 TO A CERTAIN CLASS OF PASSENGERS OR CERTAIN LOCALITIES.

23 (2) EACH LICENSED TRANSPORTATION NETWORK COMPANY MUST:

24 (I) ADOPT A POLICY OF NONDISCRIMINATION REGARDING
25 INDIVIDUALS WITH DISABILITIES IN ACCORDANCE WITH THIS
26 SUBSECTION. THE FOLLOWING INFORMATION SHALL BE PROVIDED
27 ON THE TRANSPORTATION NETWORK COMPANY'S PUBLICLY
28 ACCESSIBLE INTERNET WEBSITE:

29 (A) NOTICE OF THE NONDISCRIMINATION POLICY.

30 (B) PROCEDURES TO REPORT A COMPLAINT TO THE

1 COMMISSION OR AUTHORITY ABOUT A TRANSPORTATION
2 NETWORK COMPANY DRIVER'S ALLEGED VIOLATION OF THIS
3 SUBSECTION.

4 (II) A TRANSPORTATION NETWORK COMPANY DRIVER MUST
5 TRANSPORT A SERVICE ANIMAL WHEN ACCOMPANYING A PASSENGER
6 WITH A DISABILITY FOR NO ADDITIONAL CHARGE UNLESS THE
7 TRANSPORTATION NETWORK COMPANY DRIVER HAS A DOCUMENTED
8 MEDICAL ALLERGY ON FILE WITH THE TRANSPORTATION NETWORK
9 COMPANY.

10 (III) A TRANSPORTATION NETWORK COMPANY MAY NOT
11 IMPOSE ADDITIONAL CHARGES FOR SERVICE TO AN INDIVIDUAL
12 WITH A DISABILITY BECAUSE OF THOSE DISABILITIES.

13 (IV) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE
14 PASSENGERS WITH DISABILITIES REQUIRING THE USE OF
15 MOBILITY EQUIPMENT AN OPPORTUNITY TO INDICATE ON ITS
16 DIGITAL NETWORK WHETHER THEY REQUIRE A WHEELCHAIR-
17 ACCESSIBLE VEHICLE. A TRANSPORTATION NETWORK COMPANY OR
18 AN AFFILIATED ENTITY MUST FACILITATE TRANSPORTATION
19 SERVICE FOR PASSENGERS WHO REQUIRE A WHEELCHAIR-
20 ACCESSIBLE VEHICLE BY DOING ONE OF THE FOLLOWING:

21 (A) CONNECTING THE PASSENGER TO AN AVAILABLE
22 TRANSPORTATION NETWORK COMPANY DRIVER OR OTHER DRIVER
23 OPERATING A WHEELCHAIR-ACCESSIBLE VEHICLE; OR

24 (B) DIRECTING THE PASSENGER TO AN ALTERNATIVE
25 PROVIDER WITH THE AUTHORITY AND ABILITY TO DISPATCH A
26 WHEELCHAIR-ACCESSIBLE VEHICLE TO THE PASSENGER.

27 § 57A12. TRANSPORTATION NETWORK COMPANY DRIVERS.

28 (A) SEPARATE LICENSES PROHIBITED.--A SEPARATE LICENSE MAY
29 NOT BE REQUIRED FOR A TRANSPORTATION NETWORK COMPANY DRIVER
30 AFFILIATED WITH A TRANSPORTATION NETWORK COMPANY TO PROVIDE

1 TRANSPORTATION NETWORK SERVICE.

2 (B) DRIVER QUALIFICATION REQUIREMENTS.--

3 (1) NO TRANSPORTATION NETWORK COMPANY SHALL ENGAGE ANY
4 PERSON AS A TRANSPORTATION NETWORK COMPANY DRIVER UNLESS THE
5 TRANSPORTATION NETWORK COMPANY ASCERTAINS THAT THE PERSON:

6 (I) POSSESSES AND HAS POSSESSED A VALID STATE
7 DRIVER'S LICENSE OR A VALID DRIVER'S LICENSE OF ANOTHER
8 STATE, DISTRICT OR TERRITORY OF THE UNITED STATES FOR AT
9 LEAST ONE YEAR PRIOR TO APPLYING TO BECOME A
10 TRANSPORTATION NETWORK COMPANY DRIVER;

11 (II) IS AT LEAST 21 YEARS OF AGE;

12 (III) HAS NOT HAD MORE THAN THREE MOVING VIOLATIONS
13 OR A MAJOR VIOLATION IN THE IMMEDIATELY PRECEDING THREE-
14 YEAR PERIOD.

15 (IV) HAS NOT HAD A LIMOUSINE OR TAXI DRIVER
16 CERTIFICATE SUSPENDED OR REVOKED BY THE AUTHORITY DUE TO
17 A REGULATORY VIOLATION WITHIN THE FIVE YEARS IMMEDIATELY
18 PRECEDING HIS APPLICATION TO BE A TRANSPORTATION NETWORK
19 COMPANY DRIVER. THE AUTHORITY SHALL MAKE A LIST OF ALL
20 THE DRIVERS AVAILABLE TO A TRANSPORTATION NETWORK COMPANY
21 UPON REQUEST. THE SUSPENSION OR REVOCATION OF A LICENSE
22 BY THE AUTHORITY BECAUSE A DRIVER WAS OPERATING AS A
23 TRANSPORTATION NETWORK COMPANY DRIVER PRIOR TO THE
24 EFFECTIVE DATE OF THIS SECTION SHALL NOT CONSTITUTE
25 GROUND FOR DISQUALIFICATION UNDER THIS SUBSECTION.

26 (C) BACKGROUND AND DRIVING HISTORY CHECKS.--

27 (1) PRIOR TO PERMITTING A PERSON TO ACT AS A
28 TRANSPORTATION NETWORK COMPANY DRIVER ON ITS DIGITAL NETWORK,
29 A TRANSPORTATION NETWORK COMPANY SHALL DO ALL OF THE
30 FOLLOWING:

1 (I) CONDUCT OR HAVE A THIRD PARTY CONDUCT A LOCAL
2 AND NATIONAL CRIMINAL BACKGROUND CHECK FOR EACH DRIVER
3 APPLICANT. THE BACKGROUND CHECK SHALL INCLUDE A
4 MULTISTATE OR MULTIJURISDICTIONAL CRIMINAL RECORDS
5 LOCATOR OR OTHER SIMILAR COMMERCIAL NATIONWIDE DATABASE
6 WITH PRIMARY SOURCE SEARCH VALIDATION AND A REVIEW OF THE
7 UNITED STATES DEPARTMENT OF JUSTICE NATIONAL SEX OFFENDER
8 PUBLIC WEBSITE. THE TRANSPORTATION NETWORK COMPANY SHALL
9 DISQUALIFY AN APPLICANT CONVICTED OF CERTAIN CRIMES IN
10 ACCORDANCE WITH THE FOLLOWING:

11 (A) AN APPLICANT CONVICTED OF ANY OF THE
12 FOLLOWING WITHIN THE PRECEDING SEVEN YEARS:

13 (I) DRIVING UNDER THE INFLUENCE OF DRUGS OR
14 ALCOHOL.

15 (II) A FELONY CONVICTION INVOLVING THEFT.

16 (III) A FELONY CONVICTION FOR FRAUD.

17 (IV) A FELONY CONVICTION FOR A VIOLATION OF
18 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
19 AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
20 COSMETIC ACT.

21 (B) AN APPLICANT CONVICTED OF ANY OF THE
22 FOLLOWING WITHIN THE PRECEDING 10 YEARS:

23 (I) USE OF A MOTOR VEHICLE TO COMMIT A
24 FELONY.

25 (II) BURGLARY OR ROBBERY.

26 (C) AN APPLICANT CONVICTED OF ANY OF THE
27 FOLLOWING AT ANY TIME:

28 (I) A SEXUAL OFFENSE UNDER 42 PA.C.S. §
29 9799.14(C) OR (D) (RELATING TO SEXUAL OFFENSES
30 AND TIER SYSTEM) OR SIMILAR OFFENSE UNDER THE

1 LAWS OF ANOTHER JURISDICTION OR UNDER A FORMER
2 LAW OF THIS COMMONWEALTH.

3 (II) A CRIME OF VIOLENCE AS DEFINED IN 18
4 PA.C.S. § 5702 (RELATING TO DEFINITIONS).

5 (III) AN ACT OF TERROR.

6 (II) OBTAIN AND REVIEW A DRIVING HISTORY RESEARCH
7 REPORT FOR THE PERSON FROM THE DEPARTMENT OF
8 TRANSPORTATION AND OTHER RELEVANT SOURCES. A PERSON WITH
9 MORE THAN THREE MOVING VIOLATIONS IN THE THREE-YEAR
10 PERIOD PRIOR TO THE CHECK OR A MAJOR VIOLATION IN THE
11 THREE-YEAR PERIOD PRIOR TO THE CHECK MAY NOT BE A
12 TRANSPORTATION NETWORK COMPANY DRIVER.

13 (2) ASCERTAIN THAT ALL THE REQUIREMENTS OF THIS
14 SUBSECTION ARE MET BEFORE PERMITTING A PERSON TO PROVIDE
15 SERVICE AS A TRANSPORTATION NETWORK COMPANY DRIVER.

16 (D) CONFIRMATION.--ONE YEAR AFTER ENGAGING A TRANSPORTATION
17 NETWORK COMPANY DRIVER, AND EVERY SECOND YEAR THEREAFTER, A
18 TRANSPORTATION NETWORK COMPANY SHALL CONFIRM THAT A
19 TRANSPORTATION NETWORK COMPANY DRIVER IS STILL ELIGIBLE TO BE A
20 DRIVER BY VERIFYING THAT THE DRIVER MEETS ALL OF THE
21 REQUIREMENTS UNDER THIS SECTION, INCLUDING THE CRIMINAL
22 BACKGROUND CHECK AND DRIVING HISTORY CHECK REQUIREMENT UNDER
23 SUBSECTION (B), AND SHALL KEEP RECORDS OF THE VERIFICATION FOR A
24 PERIOD OF THREE YEARS.

25 (E) DRIVER DISQUALIFICATION.--

26 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE,
27 THE AUTHORITY MAY ISSUE AN ORDER DISQUALIFYING A PERSON FROM
28 BEING A DRIVER FOR VIOLATION OF THIS TITLE OR AN ORDER OR
29 REGULATION OF THE AUTHORITY CONSISTENT WITH THE DUE PROCESS
30 PROCEDURES PROVIDED FOR UNDER SECTION 5705 (RELATING TO

1 CONTESTED COMPLAINTS).

2 (2) THE AUTHORITY MAY ADOPT REGULATIONS TO ALLOW FOR THE
3 REINSTATEMENT OF A DRIVER FOLLOWING AN APPROPRIATE
4 DISQUALIFICATION PERIOD AND COMPLIANCE WITH ANY CONDITIONS
5 IMPOSED BY THE AUTHORITY.

6 (3) THE AUTHORITY MAY GIVE NOTICE OF THE INELIGIBILITY
7 OF A PERSON TO ACT AS A DRIVER TO ALL TRANSPORTATION NETWORK
8 COMPANIES, AS PROVIDED FOR BY ORDER OR REGULATION.

9 (4) THE AUTHORITY MAY PLACE A TRANSPORTATION NETWORK
10 COMPANY DRIVER OR PERSONAL VEHICLE OUT OF SERVICE PRIOR TO A
11 FINAL DETERMINATION THAT THE DRIVER HAS VIOLATED THIS TITLE
12 OR AN ORDER OR REGULATION OF THE AUTHORITY IF THE BEHAVIOR OF
13 THE INDIVIDUAL OR CONDITION OF THE VEHICLE OR EQUIPMENT WHICH
14 VIOLATE THIS TITLE OR AN ORDER OR REGULATION OF THE AUTHORITY
15 HAS AN IMMEDIATE AND DIRECT ADVERSE IMPACT UPON THE ORDERLY
16 OPERATION OF TRANSPORTATION NETWORK SERVICE IN A CITY OR
17 PRESENTS A DIRECT THREAT TO PUBLIC SAFETY. AN OUT-OF-SERVICE
18 DESIGNATION UNDER THIS PARAGRAPH WILL BE NARROWLY TAILORED TO
19 CREATE THE MOST LIMITED REDUCTION OF RIGHTS NECESSARY TO
20 PROTECT THE PUBLIC INTEREST. THE AUTHORITY SHALL FOLLOW THE
21 PROCEDURES UNDER 52 PA. CODE § 1003.32 (RELATING TO OUT OF
22 SERVICE DESIGNATION) FOR THE PROCESS.

23 § 57A13. INTOXICATING SUBSTANCE POLICY.

24 (A) ZERO-TOLERANCE POLICY.--A TRANSPORTATION NETWORK COMPANY
25 SHALL IMPLEMENT AND ENFORCE A ZERO-TOLERANCE POLICY ON THE USE
26 OF DRUGS OR ALCOHOL BY A TRANSPORTATION NETWORK COMPANY DRIVER
27 WHILE PROVIDING TRANSPORTATION NETWORK SERVICE. A TRANSPORTATION
28 NETWORK COMPANY DRIVER WHO IS THE SUBJECT OF A PASSENGER
29 COMPLAINT ALLEGING A VIOLATION OF THE ZERO-TOLERANCE POLICY
30 SHALL BE IMMEDIATELY SUSPENDED BY THE TRANSPORTATION NETWORK

1 COMPANY. THE SUSPENSION SHALL LAST UNTIL THE TIME THE COMPLAINT
2 INVESTIGATION IS COMPLETE. THE FOLLOWING INFORMATION SHALL BE
3 PROVIDED ON A TRANSPORTATION NETWORK COMPANY'S PUBLICLY
4 ACCESSIBLE INTERNET WEBSITE:

5 (1) NOTICE OF THE ZERO-TOLERANCE POLICY.

6 (2) PROCEDURES TO REPORT A COMPLAINT ABOUT A
7 TRANSPORTATION NETWORK COMPANY DRIVER WITH WHOM THE PASSENGER
8 WAS MATCHED AND WHOM THE PASSENGER REASONABLY SUSPECTS WAS
9 UNDER THE INFLUENCE OF DRUGS OR ALCOHOL DURING THE COURSE OF
10 THE RIDE.

11 (B) SPEECH DISABILITY.--IN INVESTIGATING A ZERO-TOLERANCE
12 COMPLAINT AGAINST A DRIVER WITH A SPEECH DISABILITY, THE
13 TRANSPORTATION NETWORK COMPANY SHALL FACTOR THE DRIVER'S SPEECH
14 DISABILITY IN THE INVESTIGATION AND INQUIRE WHETHER OR NOT THE
15 COMPLAINT IS BASED ON AN ERRONEOUS PERCEPTION OF THE DRIVER'S
16 SPEECH DISABILITY.

17 § 57A14. REPORTING REQUIREMENT.

18 (A) DISPLAY.--A TRANSPORTATION NETWORK COMPANY SHALL DISPLAY
19 THE AUTHORITY'S E-MAIL ADDRESS FOR THE REPORTING OF VIOLATIONS
20 OF THIS TITLE OR ORDERS OR REGULATIONS OF THE AUTHORITY ON ITS
21 PUBLICLY ACCESSIBLE INTERNET WEBSITE AND ON THE DIGITAL RECEIPT
22 PROVIDED TO EACH PASSENGER.

23 (B) CHARGES.--A TRANSPORTATION NETWORK COMPANY SHALL REPORT
24 A DRIVER THAT HAS BEEN CHARGED WITH ANY CRIME FOR CONDUCT
25 ALLEGED TO HAVE OCCURRED WHILE PROVIDING A PREARRANGED RIDE TO
26 THE AUTHORITY WITHIN 48 HOURS OF LEARNING OF THE CRIMINAL
27 CHARGE, INCLUDING ANY CRIME INVOLVING THE USE OF DRUGS OR
28 ALCOHOL.

29 (C) REMOVAL.--A TRANSPORTATION NETWORK COMPANY SHALL REPORT
30 A DRIVER THAT IT HAS REMOVED FROM ITS DIGITAL NETWORK UPON

1 DETERMINATION THAT THE DRIVER VIOLATED THIS TITLE OR AN ORDER OR
2 REGULATION OF THE AUTHORITY.

3 § 57A15. DRIVER CREDENTIALS.

4 A TRANSPORTATION NETWORK COMPANY SHALL ISSUE A DIGITAL
5 CREDENTIAL TO ALL TRANSPORTATION NETWORK COMPANY DRIVERS ENGAGED
6 BY THE COMPANY WHICH SHALL BE DISPLAYED AS PART OF THE COMPANY'S
7 DIGITAL NETWORK. THE DIGITAL CREDENTIAL SHALL INCLUDE A
8 PHOTOGRAPH OF THE DRIVER AND THE MAKE, MODEL AND LICENSE PLATE
9 NUMBER OF THE DRIVER'S PERSONAL VEHICLE.

10 § 57A16. OPERATING REGULATIONS.

11 (A) PROHIBITIONS.--IN ADDITION TO ALL OTHER REQUIREMENTS
12 PROVIDED UNDER THIS TITLE OR ORDER OR REGULATION OF THE
13 AUTHORITY, IT SHALL BE UNLAWFUL FOR ANY PERSON:

14 (1) WHO IS UNDER 21 YEARS OF AGE TO OPERATE A PERSONAL
15 VEHICLE.

16 (2) TO OPERATE A PERSONAL VEHICLE WHILE UNDER THE
17 INFLUENCE OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES,
18 OTHER THAN MEDICATION PRESCRIBED BY A PHYSICIAN, EXCEPT IF
19 THE PRESCRIBED MEDICATION DOES NOT WARN THE USER NOT TO
20 OPERATE MACHINERY WHILE TAKING THE MEDICATION.

21 (3) TO OPERATE A PERSONAL VEHICLE WITHIN THE CITY WHILE
22 NOT IN POSSESSION OF A VALID DRIVER'S LICENSE ISSUED BY A
23 STATE, DISTRICT OR TERRITORY OF THE UNITED STATES.

24 (4) TO OPERATE, OR CAUSE TO BE OPERATED, A PERSONAL
25 VEHICLE THAT DOES NOT MEET THE VEHICLE STANDARD AND
26 INSPECTION REQUIREMENTS UNDER THIS CHAPTER.

27 (5) TO TRANSPORT OR CAUSE TO BE TRANSPORTED MORE
28 PASSENGERS ON A GIVEN RIDE IN A VEHICLE THAN THE NUMBER OF
29 MANUFACTURER INSTALLED SEAT BELTS IN THE VEHICLE.

30 (B) ENGAGEMENT PROHIBITED.--A TRANSPORTATION NETWORK COMPANY

1 DRIVER MAY NOT ENGAGE IN ANY OF THE FOLLOWING:

2 (1) SOLICITATION OF POTENTIAL PASSENGERS.

3 (2) SOLICITATION OF A CASH PAYMENT FOR A PREARRANGED
4 RIDE.

5 (3) SOLICITATION OR ACCEPTANCE OF A STREET HAIL OR
6 TELEPHONE CALL FOR TRANSPORTATION OF A PERSON IN A MOTOR
7 VEHICLE, INCLUDING TRANSPORTATION NETWORK SERVICE.

8 (C) PARKING.--A PERSONAL VEHICLE MAY NOT BE PARKED ON ANY
9 PUBLIC WAY FOR THE PURPOSE OF PICKING UP PASSENGERS FOR A TIME
10 LONGER THAN IS REASONABLY NECESSARY TO PICK UP PASSENGERS.

11 (D) DISPLAY.--THE DIGITAL NETWORK USED BY A TRANSPORTATION
12 NETWORK COMPANY TO CONNECT TRANSPORTATION NETWORK COMPANY
13 DRIVERS AND PASSENGERS SHALL DISPLAY FOR A PASSENGER THE
14 DRIVER'S DIGITAL CREDENTIAL REQUIRED UNDER THIS SECTION.

15 (E) DISCLOSURE.--A TRANSPORTATION NETWORK COMPANY SHALL
16 CLEARLY DISCLOSE, ON THE COMPANY'S INTERNET WEBSITE, THAT THE
17 COMPANY IS A TRANSPORTATION NETWORK COMPANY. THE DISCLOSURE
18 SHALL STATE THAT THE TRANSPORTATION NETWORK COMPANY IS REQUIRED
19 TO MAINTAIN INSURANCE POLICIES AS SPECIFIED UNDER SECTION 57A07
20 (RELATING TO INSURANCE REQUIREMENTS).

21 (F) PROOF.--A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE
22 PROOF OF INSURANCE POLICIES REQUIRED UNDER THIS CHAPTER TO EACH
23 TRANSPORTATION NETWORK COMPANY DRIVER BEFORE THE DRIVER BEGINS
24 PROVIDING TRANSPORTATION NETWORK SERVICE AND FOR AS LONG AS THE
25 DRIVER REMAINS AVAILABLE TO PROVIDE SERVICE.

26 (G) RESPONSE.--A TRANSPORTATION NETWORK COMPANY SHALL HAVE
27 AN AFFIRMATIVE DUTY TO RESPOND TO REQUESTS FOR SERVICE IN
28 UNDERSERVED AREAS WITHIN THE CITY AND TO ENSURE COMPLIANCE WITH
29 THIS SUBSECTION BY THE TRANSPORTATION NETWORK COMPANY DRIVERS.

30 (H) DUTIES WHILE LOGGED ONTO A DIGITAL NETWORK.--A

1 TRANSPORTATION NETWORK COMPANY DRIVER SHALL AT ALL TIMES WHILE
2 LOGGED ONTO A DIGITAL NETWORK:

3 (1) CARRY AN ELECTRONIC OR PAPER COPY OF PROOF OF THE
4 INSURANCE POLICIES REQUIRED UNDER THIS CHAPTER COVERING THE
5 VEHICLE.

6 (2) DISPLAY THE DISTINCTIVE SIGNAGE REQUIRED BY THIS
7 CHAPTER.

8 (3) IN THE CASE OF AN ACCIDENT:

9 (I) PROVIDE THE INSURANCE COVERAGE INFORMATION
10 REQUIRED UNDER PARAGRAPH (1) TO ANY OTHER PARTY INVOLVED
11 IN THE ACCIDENT AND TO THE LAW ENFORCEMENT OFFICER WHO
12 RESPONDS TO THE SCENE OF THE ACCIDENT.

13 (II) REPORT THE ACCIDENT TO THE TRANSPORTATION
14 NETWORK COMPANY.

15 (III) REPORT THE ACCIDENT TO THE FOLLOWING:

16 (A) THE TRANSPORTATION NETWORK COMPANY DRIVER'S
17 PERSONAL AUTOMOBILE INSURER IF REQUIRED BY THE
18 DRIVER'S POLICY;

19 (B) THE OWNER OF THE AUTOMOBILE IF THE DRIVER IS
20 NOT THE OWNER OF THE AUTOMOBILE;

21 (C) THE INSURER PROVIDING INSURANCE REQUIRED
22 UNDER SECTION 57A07; AND

23 (D) THE HOLDER OF THE INSURANCE POLICY COVERING
24 THE AUTOMOBILE IF THE DRIVER IS NOT THE HOLDER OF THE
25 POLICY.

26 (6) NOTIFY THE TRANSPORTATION NETWORK COMPANY
27 IMMEDIATELY UPON CONVICTION FOR ANY OFFENSE LISTED UNDER
28 SECTION 57A12 (RELATING TO TRANSPORTATION NETWORK COMPANY
29 DRIVERS) WHICH WOULD DISQUALIFY THE TRANSPORTATION NETWORK
30 COMPANY DRIVER FROM BEING ELIGIBLE TO PROVIDE TRANSPORTATION

1 NETWORK SERVICE.

2 (I) COMPLIANCE.--A TRANSPORTATION NETWORK COMPANY AND
3 TRANSPORTATION NETWORK COMPANY DRIVER MUST COMPLY WITH THE
4 FOLLOWING:

5 (1) ALL FEDERAL AND STATE LAWS AND REGULATIONS.

6 (2) ALL ORDINANCES OF A CITY.

7 (3) ALL ORDERS AND REGULATIONS OF THE AUTHORITY.

8 (J) DISCRIMINATION.--A TRANSPORTATION NETWORK COMPANY MAY
9 NOT DISCRIMINATE AGAINST ANY POTENTIAL OR EXISTING EMPLOYEE,
10 DRIVER OR PASSENGER ON ANY BASIS PROHIBITED BY FEDERAL, STATE OR
11 CITY NONDISCRIMINATION LAWS.

12 (K) SERVICE ANIMALS.--A TRANSPORTATION NETWORK COMPANY
13 DRIVER MUST COMPLY WITH ALL FEDERAL, STATE AND CITY
14 NONDISCRIMINATION LAWS BY ACCEPTING, WITHOUT EXTRA CHARGE,
15 RIDERS WITH SERVICE ANIMALS. SERVICE ANIMALS SHALL RIDE IN THE
16 PASSENGER COMPARTMENT OF A VEHICLE. IT SHALL BE A VIOLATION OF
17 THIS SECTION FOR A TRANSPORTATION NETWORK COMPANY DRIVER TO
18 PLACE A SERVICE ANIMAL IN ANY PART OF A VEHICLE OTHER THAN THE
19 PASSENGER COMPARTMENT.

20 (M) CLEAN VEHICLES.--PERSONAL VEHICLES SHALL BE KEPT CLEAN
21 AT ALL TIMES THEY ARE USED TO PROVIDE A TRANSPORTATION NETWORK
22 SERVICE.

23 (N) AIRPORT.--AUTHORITY LICENSING OF A TRANSPORTATION
24 NETWORK COMPANY OR APPROVAL TO OPERATE A TRANSPORTATION NETWORK
25 SERVICE SHALL NOT INCLUDE AUTHORIZATION TO PICK UP PASSENGERS AT
26 AN INTERNATIONAL AIRPORT OWNED BY THE CITY AND LOCATED IN WHOLE
27 OR IN PART IN THE CITY. NOTHING UNDER THIS SUBSECTION SHALL BE
28 CONSTRUED TO LIMIT THE ABILITY OF A MUNICIPALITY OR OTHER
29 GOVERNING AUTHORITY THAT OWNS OR OPERATES AN AIRPORT LOCATED, IN
30 WHOLE OR IN PART, IN A CITY FROM ADOPTING CONTRACTS, LICENSES

1 AND REGULATIONS RELATING TO THE DUTIES AND RESPONSIBILITIES ON
2 AIRPORT PROPERTY OF A TRANSPORTATION NETWORK COMPANY, A
3 TRANSPORTATION NETWORK SERVICE OR A TRANSPORTATION NETWORK
4 COMPANY DRIVER, INCLUDING THE IMPOSITION OF REASONABLE FEES.

5 (O) MATERIALS.--PRIOR TO PERMITTING A DRIVER TO DRIVE TO
6 OPERATE ON ITS DIGITAL NETWORK, A TRANSPORTATION NETWORK COMPANY
7 SHALL PROVIDE TO A TRANSPORTATION NETWORK COMPANY DRIVER
8 MATERIALS DESIGNED TO ENSURE THAT A DRIVER UNDERSTANDS HOW TO
9 SAFELY AND RESPONSIBLY OPERATE A PERSONAL VEHICLE WHILE LOGGED
10 ONTO A DIGITAL NETWORK OR PROVIDING PREARRANGED RIDES. GUIDANCE
11 MATERIALS SHALL CONTAIN INFORMATION RELATED TO PROVIDING SERVICE
12 TO INDIVIDUALS WITH DISABILITIES AND THE GEOGRAPHY OF THE CITY
13 UNLESS THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK IS
14 CAPABLE OF PROVIDING GPS NAVIGATION OR OTHER SIMILAR NAVIGATION.
15 DRIVERS SHALL BE REQUIRED TO ACKNOWLEDGE RECEIPT OF DRIVER
16 MATERIALS.

17 § 57A17. FARE RATES.

18 (A) OFFER.--A TRANSPORTATION NETWORK COMPANY OR
19 TRANSPORTATION NETWORK COMPANY DRIVER MAY OFFER TRANSPORTATION
20 NETWORK SERVICE AT NO CHARGE, SUGGEST A DONATION OR CHARGE A
21 FARE. IF A FARE IS CHARGED, A TRANSPORTATION NETWORK COMPANY
22 SHALL DISCLOSE THE FARE OR FARE CALCULATION METHOD PRIOR TO A
23 PREARRANGED RIDE AND SHALL PROVIDE AN ESTIMATE FOR THE COST OF A
24 TRIP UPON REQUEST.

25 (B) STATE OF EMERGENCY.--DURING A STATE OF EMERGENCY
26 DECLARED BY THE MAYOR UNDER AN ORDINANCE OF THE CITY OR THE
27 GOVERNOR, A TRANSPORTATION NETWORK COMPANY THAT ENGAGES IN
28 DYNAMIC PRICING SHALL LIMIT THE MULTIPLIER BY WHICH ITS BASE
29 RATE IS MULTIPLIED TO THE NEXT HIGHEST MULTIPLE BELOW THE THREE
30 HIGHEST MULTIPLES SET ON DIFFERENT DAYS IN THE 60 DAYS PRECEDING

1 THE DECLARATION OF EMERGENCY FOR THE SAME TYPE OF SERVICE AND
2 THE SAME CLASS WITHIN THE CITY. IT SHALL BE A VIOLATION OF THE
3 ACT OF OCTOBER 31, 2006 (P.L.1210, NO.133), KNOWN AS THE PRICE
4 GOUGING ACT, FOR A TRANSPORTATION NETWORK COMPANY TO CHARGE A
5 PRICE THAT EXCEEDS THE LIMITS OF THIS SUBSECTION DURING A STATE
6 OF EMERGENCY.

7 (C) AMOUNT.--THE AMOUNT OF A DONATION, CHARGE, FARE OR OTHER
8 COMPENSATION PROVIDED OR RECEIVED FOR A PREARRANGED RIDE SHALL
9 NOT BE SUBJECT TO REVIEW OR APPROVAL BY THE AUTHORITY, EXCEPT ON
10 A CASE-BY-CASE BASIS WHEN THE AUTHORITY RECEIVES A COMPLAINT
11 FROM A PASSENGER.

12 (D) HIGHER FARE RATE.--A TRANSPORTATION NETWORK COMPANY MAY
13 CHARGE PASSENGERS AT A HIGHER FARE RATE THAN THE REGULAR FARE
14 RATE DISPLAYED ON THE COMPANY'S DIGITAL NETWORK ONLY IF THE
15 COMPANY COMPLIES WITH ALL OF THE FOLLOWING:

16 (1) THE DIGITAL NETWORK PROVIDES NOTICE OF THE TIME
17 PERIOD WHEN THE HIGHER FARE RATE IS APPLICABLE;

18 (2) THE DIGITAL NETWORK CLEARLY PROVIDES TO A CUSTOMER
19 REQUESTING A TRIP THE OPTION TO OBTAIN THE TOTAL FARE
20 ESTIMATE OF THE TRIP; AND

21 (3) THE TRANSPORTATION NETWORK COMPANY REVIEWS AND
22 RESPONDS TO ALL PASSENGER COMPLAINTS ABOUT A FARE THAT
23 EXCEEDS THE ESTIMATED FARE BY MORE THAN 20%.

24 § 57A18. RECORDS AND REPORTS.

25 (A) DUTY TO KEEP.--

26 (1) A TRANSPORTATION NETWORK COMPANY SHALL KEEP
27 ACCURATE BOOKS AND RECORDS OF ACCOUNT OF THE TRANSPORTATION
28 NETWORK COMPANY'S OPERATIONS FOR A MINIMUM OF THREE YEARS.
29 SUCH RECORDS SHALL BE MADE AVAILABLE FOR INSPECTION BY THE
30 AUTHORITY IN RESPONSE TO A SPECIFIC COMPLAINT ABOUT A DRIVER

1 OR TRANSPORTATION NETWORK COMPANY AS NECESSARY TO INVESTIGATE
2 AND RESOLVE THE COMPLAINT, OR IN RESPONSE TO A COMPLIANCE
3 INQUIRY BY THE AUTHORITY.

4 (2) THE AUTHORITY SHALL INTERVIEW COMPLAINANTS OR
5 WITNESSES RELATED TO THE MATTER BEING INVESTIGATED, IF ANY,
6 AND TAKE OTHER STEPS TO ASCERTAIN WHETHER THERE IS A
7 REASONABLE BASIS TO SUSPECT NONCOMPLIANCE PRIOR TO REQUIRING
8 A TRANSPORTATION NETWORK COMPANY TO MAKE THE REQUESTED
9 RECORDS AND REPORTS AVAILABLE TO THE AUTHORITY. RECORDS AND
10 REPORTS DETERMINED BY THE AUTHORITY TO BE NECESSARY FOR
11 FURTHER INVESTIGATION AND PROSECUTION AFTER REVIEW SHALL BE
12 PRODUCED TO THE POSSESSION OF THE AUTHORITY.

13 (3) THE INSPECTION OF RECORDS AND REPORTS SHALL OCCUR AT
14 A LOCATION WITHIN THE CITY DIRECTED BY THE AUTHORITY.

15 (B) RANDOM SELECTION OF UNIQUE IDENTIFICATION NUMBERS.--

16 (1) THE AUTHORITY MAY DIRECT THAT A TRANSPORTATION
17 NETWORK COMPANY PROVIDE TO THE AUTHORITY A SELECTION OF
18 RANDOMLY SELECTED UNIQUE IDENTIFICATION NUMBERS, EACH OF
19 WHICH HAS BEEN ASSIGNED TO A TRANSPORTATION NETWORK COMPANY
20 DRIVER WHO IS AN ACTIVE DRIVER AT THE TIME OF THE SUBMISSION.
21 THE AUTHORITY MAY REQUIRE A TRANSPORTATION NETWORK COMPANY TO
22 EVIDENCE THE MANNER IN WHICH THE DRIVERS DESIGNATED WERE
23 RANDOMLY SELECTED.

24 (2) EACH TRANSPORTATION NETWORK COMPANY SHALL PROVIDE TO
25 THE AUTHORITY AN E-MAIL ADDRESS OR OTHER MEANS OF INSTANT
26 ELECTRONIC COMMUNICATION OF A COMPANY REPRESENTATIVE FOR
27 PURPOSES OF THIS AUDIT DESIGNATION, WHICH WILL BE DEEMED
28 RECEIVED ON THE DATE SENT TO THE AUTHORITY.

29 (3) THE AUTHORITY MAY REQUIRE TRANSPORTATION NETWORK
30 COMPANIES TO DISCLOSE UNIQUE IDENTIFICATION NUMBERS AS

1 FOLLOWS:

2 (I) CLASS A TRANSPORTATION NETWORK COMPANY: UP TO
3 1,000 UNIQUE IDENTIFICATION NUMBERS.

4 (II) CLASS B TRANSPORTATION NETWORK COMPANY: UP TO
5 500 UNIQUE IDENTIFICATION NUMBERS.

6 (III) CLASS C TRANSPORTATION NETWORK COMPANY: UP TO
7 250 UNIQUE IDENTIFICATION NUMBERS.

8 (4) THE AUTHORITY MAY DESIGNATE UP TO 5% OF THE DRIVERS
9 IDENTIFIED IN THE LIST PROVIDED PURSUANT TO THIS SUBSECTION
10 OR 25 DRIVERS, WHICHEVER IS GREATER, FOR A COMPLIANCE AUDIT.

11 (5) WITHIN FIVE BUSINESS DAYS OF RECEIVING AN AUDIT
12 DESIGNATION AS PROVIDED IN PARAGRAPH (1), THE TRANSPORTATION
13 NETWORK COMPANY SHALL MAKE AVAILABLE FOR A VISUAL, ON-SITE
14 INSPECTION TO THE AUTHORITY THE RECORDS REQUIRED TO BE
15 MAINTAINED UNDER SECTION 57A04(A)(2)(III) AND (IV) (RELATING
16 TO QUALIFICATIONS FOR LICENSURE) SO THAT THE AUTHORITY MAY
17 VERIFY THAT THE COMPANY HAS COMPLIED WITH THE DRIVER
18 SCREENING REQUIREMENTS AND TO CONFIRM THAT THE SELECTED
19 DRIVERS QUALIFY AS TRANSPORTATION NETWORK COMPANY DRIVERS AS
20 PROVIDED IN THIS CHAPTER.

21 (6) THE AUDIT SHALL BE CONDUCTED AT A LOCATION IN THE
22 CITY DESIGNATED BY THE AUTHORITY.

23 (7) THE AUTHORITY MAY CONDUCT NO MORE THAN ONE AUDIT
24 PURSUANT TO THIS SUBSECTION ONCE EVERY 90 DAYS.

25 (C) IMPOSITION OF PENALTY.--

26 (1) IF AN AUDIT CONDUCTED UNDER SUBSECTION (B) REVEALS
27 THAT THE COMPANY AUTHORIZED A DRIVER TO OPERATE AS A
28 TRANSPORTATION NETWORK COMPANY WHEN THE BACKGROUND CHECK OR
29 DRIVING HISTORY REVIEWED IN ACCORDANCE WITH SECTION 57A12(C)
30 (RELATING TO TRANSPORTATION NETWORK COMPANY DRIVERS) REVEALED

1 THAT THEY WERE INELIGIBLE, THE AUTHORITY MAY IMPOSE A PENALTY
2 AGAINST THE TRANSPORTATION NETWORK COMPANY IN AN AMOUNT NOT
3 GREATER THAN \$1,000 FOR EACH NONCOMPLIANT DRIVER.

4 (2) THE TRANSPORTATION NETWORK COMPANY SHALL IMMEDIATELY
5 REMOVE A NONCOMPLIANT DRIVER IDENTIFIED AS PROVIDED IN
6 PARAGRAPH (1) FROM TRANSPORTATION NETWORK SERVICE UPON THE
7 AUTHORITY'S DIRECTION.

8 (3) THE AUTHORITY MAY ALERT OTHER TRANSPORTATION NETWORK
9 COMPANIES OF THE INELIGIBILITY OF THE NONCOMPLIANT DRIVER IN
10 ORDER TO PROTECT THE PUBLIC GOOD.

11 (D) FOLLOW-UP REPORT AND REMEDIAL AUDIT.--

12 (1) (I) IN THE EVENT THAT AN AUDIT DISCREPANCY IS
13 IDENTIFIED AS SPECIFIED IN SUBSECTION (C) (1), THE
14 AUTHORITY MAY DIRECT A TRANSPORTATION NETWORK COMPANY TO
15 SUBMIT A FOLLOW-UP REPORT DETAILING ITS EFFORTS TO ENSURE
16 COMPLIANCE WITH SECTION 57A12 (C).

17 (II) IN THE EVENT THAT AN EGREGIOUS AUDIT
18 DISCREPANCY IS IDENTIFIED OR MULTIPLE AUDIT DISCREPANCIES
19 ARE IDENTIFIED OR THE AUTHORITY MAKES A REASONABLE
20 DETERMINATION THAT A TRANSPORTATION NETWORK COMPANY HAS
21 FAILED TO REASONABLY COOPERATE IN THE DRIVER INFORMATION
22 AUDIT PROCESS, THE AUTHORITY MAY DIRECT A TRANSPORTATION
23 NETWORK COMPANY TO PARTICIPATE IN REMEDIAL AUDITS.

24 (III) A DIRECTION UNDER THIS SECTION SHALL BE
25 CONSIDERED A DIRECTION OF STAFF AS PROVIDED FOR IN 52 PA.
26 CODE § 1005.24 (RELATING TO APPEALS FROM ACTIONS OF THE
27 STAFF).

28 (2) A REMEDIAL AUDIT SHALL PROCEED AS PROVIDED IN
29 SUBSECTION (B). FOR PURPOSES OF THE REMEDIAL AUDIT, THE
30 AUTHORITY MAY DESIGNATE UP TO 10% OF THE DRIVERS IDENTIFIED

1 IN THE LIST DISCLOSED PURSUANT TO SUBSECTION (B) (1).

2 (3) THE AUTHORITY MAY DIRECT ONE REMEDIAL AUDIT AT ANY
3 TIME EACH MONTH FOR A FOUR-MONTH PERIOD FOLLOWING THE
4 DISCOVERY OF THE VIOLATION.

5 (4) IF AN AUDIT CONDUCTED UNDER THIS SUBSECTION REVEALS
6 THAT THE COMPANY AUTHORIZED A DRIVER TO OPERATE AS A
7 TRANSPORTATION NETWORK COMPANY WHEN THE BACKGROUND CHECK OR
8 DRIVING HISTORY REVIEWED IN ACCORDANCE WITH SECTION 57A12(C)
9 REVEALED THAT THEY WERE INELIGIBLE, THE AUTHORITY MAY IMPOSE
10 A PENALTY AGAINST THE TRANSPORTATION NETWORK COMPANY IN AN
11 AMOUNT NOT GREATER THAN \$2,500 FOR EACH NONCOMPLIANT DRIVER.

12 (5) THE TRANSPORTATION NETWORK COMPANY SHALL IMMEDIATELY
13 REMOVE A NONCOMPLIANT DRIVER IDENTIFIED AS PROVIDED IN
14 PARAGRAPH (4) FROM TRANSPORTATION NETWORK SERVICE AT THE
15 AUTHORITY'S DIRECTION. THE AUTHORITY MAY ALERT OTHER
16 TRANSPORTATION NETWORK COMPANIES OF THE INELIGIBILITY OF THE
17 NONCOMPLIANT DRIVER IN ORDER TO PROTECT THE PUBLIC GOOD.

18 (E) CONSTRUCTION.--

19 (1) THIS SECTION IS INTENDED TO FOSTER GENERAL
20 COMPLIANCE WITH DRIVER QUALIFICATION REVIEWS CONDUCTED BY
21 TRANSPORTATION NETWORK COMPANIES.

22 (2) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE
23 POWER OF THE AUTHORITY TO CONDUCT ENFORCEMENT INVESTIGATIONS
24 RELATED TO TRANSPORTATION NETWORK COMPANIES OR TRANSPORTATION
25 NETWORK COMPANY DRIVERS, OR BOTH, AS AUTHORIZED UNDER THIS
26 CHAPTER OR THE OBLIGATION OF TRANSPORTATION NETWORK
27 COMPANIES, THEIR AGENTS AND EMPLOYEES AND TRANSPORTATION
28 NETWORK COMPANY DRIVERS TO COOPERATE WITH SUCH INVESTIGATIONS
29 AND PRODUCE INFORMATION DEMANDED AS REQUIRED UNDER THIS
30 CHAPTER.

1 (3) A TRANSPORTATION NETWORK COMPANY DRIVER-RELATED
2 DISCREPANCY, AS IDENTIFIED IN SUBSECTION (D), DISCOVERED
3 DURING THE COURSE OF AN ENFORCEMENT ACTION SHALL RESULT IN
4 THE TRANSPORTATION NETWORK COMPANY BEING SUBJECT TO THE SAME
5 PENALTY, REPORTING AND REMEDIAL AUDIT OBLIGATIONS PROVIDED IN
6 THIS SECTION.

7 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
8 INFORMATION PRODUCED TO THE AUTHORITY IN FURTHERANCE OF AN
9 ENFORCEMENT INVESTIGATION OR PURSUANT TO THIS SECTION SHALL
10 NOT BE RELEASED TO A THIRD PARTY, INCLUDING THROUGH A REQUEST
11 SUBMITTED UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
12 KNOWN AS THE RIGHT-TO-KNOW LAW.

13 (F) CLASS A.--A TRANSPORTATION NETWORK COMPANY THAT IS
14 CLASSIFIED AS A CLASS A TNC UNDER THIS SECTION AND SECTION 57A09
15 (RELATING TO VEHICLE INSPECTIONS) AND A TIER 1 TNC UNDER SECTION
16 57A21 (RELATING TO ENFORCEMENT AND RULES AND REGULATIONS) SHALL
17 NOT BE REQUIRED TO DISCLOSE TO THE AUTHORITY THE NUMBER OF
18 VEHICLES OR DRIVERS ASSOCIATED WITH ITS DIGITAL PLATFORM.
19 § 57A19. PENALTIES.

20 (A) PENALTY AMOUNT AND TRAINING PROGRAM.--IN ADDITION TO
21 OTHER PENALTIES AUTHORIZED BY THIS CHAPTER, ANY PERSON OR ENTITY
22 THAT VIOLATES THIS CHAPTER OR ANY ORDER OR REGULATION OF THE
23 AUTHORITY RELATED TO THIS CHAPTER MAY BE SUBJECT TO A PENALTY OF
24 UP TO \$1,000 FOR EACH VIOLATION AND MAY BE REQUIRED TO COMPLETE
25 A SUPPLEMENTAL TRAINING PROGRAM. EACH DAY THAT A VIOLATION
26 CONTINUES MAY BE DEEMED A SEPARATE AND DISTINCT OFFENSE.

27 (B) SUSPENSION, REVOCATION OR DENIAL.--IN ADDITION TO OTHER
28 PENALTIES UNDER THIS CHAPTER, AND PURSUANT TO SUBSECTION (D),
29 ANY AUTHORIZATION APPROVED BY THE AUTHORITY MAY BE SUSPENDED,
30 REVOKED OR DENIED RENEWAL FOR ANY VIOLATION OF THIS CHAPTER OR

1 AN ORDER OR REGULATION OF THE AUTHORITY.

2 (C) TRANSPORTATION NETWORK COMPANY LICENSE.--ANY PERSON
3 WHOSE TRANSPORTATION NETWORK COMPANY LICENSE IS CANCELED OR
4 REVOKED UNDER THIS CHAPTER SHALL BE INELIGIBLE TO RECEIVE
5 ANOTHER TRANSPORTATION NETWORK COMPANY LICENSE UNDER THE SAME OR
6 A DIFFERENT NAME FOR A PERIOD OF NOT LESS THAN ONE YEAR
7 FOLLOWING REVOCATION. THIS PROHIBITION SHALL APPLY TO ANY PERSON
8 WITH A CONTROLLING INFLUENCE IN A CANCELED OR REVOKED
9 TRANSPORTATION NETWORK COMPANY AS THE AUTHORITY MAY PROVIDE BY
10 REGULATION.

11 (D) ENFORCEMENT ACTIONS.--ENFORCEMENT ACTIONS INITIATED
12 UNDER THIS CHAPTER SHALL PROCEED AS PROVIDED IN SECTION 5705
13 (RELATING TO CONTESTED COMPLAINTS) AND REGULATIONS PROMULGATED
14 BY THE AUTHORITY PROVIDING FOR THE FORM AND PROCESS OF THE
15 ENFORCEMENT ACTIONS.

16 (E) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
17 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
18 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

19 "SUPPLEMENTAL TRAINING COMPANY." A COMPANY APPROVED BY A
20 TRANSPORTATION NETWORK COMPANY TO TEACH A SUPPLEMENTAL TRAINING
21 PROGRAM.

22 "SUPPLEMENTAL TRAINING PROGRAM." A TRAINING PROGRAM TAUGHT
23 BY A SUPPLEMENTAL TRAINING COMPANY THAT IS APPROVED BY THE
24 AUTHORITY AND THAT COVERS THE FOLLOWING TOPICS:

25 (1) THE GEOGRAPHY OF THE CITY.

26 (2) THE PROVISION OF SAFE TRANSPORTATION NETWORK
27 SERVICE.

28 (3) THE PROVISION OF COURTEOUS SERVICE.

29 (4) STATUTORY OR REGULATORY REQUIREMENTS RELATED TO
30 TRANSPORTATION NETWORK COMPANY DRIVERS.

1 (5) THE PROVISION OF SERVICE TO PERSONS WITH
2 DISABILITIES.

3 § 57A20. IMPOUNDMENT OF VEHICLES.

4 (A) AUTHORITY TO IMPOUND.--THE AUTHORITY MAY CONFISCATE AND
5 IMPOUND VEHICLES AND EQUIPMENT UTILIZED TO PROVIDE
6 TRANSPORTATION NETWORK SERVICE ORIGINATING IN THE CITY WITHOUT
7 PROOF OF CURRENT AFFILIATION WITH A TRANSPORTATION NETWORK
8 COMPANY LICENSED BY THE AUTHORITY.

9 (B) RETURN OF VEHICLE AND EQUIPMENT.--UPON SATISFACTION OF
10 ALL TERMS OF IMPOUNDMENT, INCLUDING PAYMENT OF ALL PENALTIES
11 IMPOSED AND ALL OUTSTANDING PENALTIES ASSESSED AGAINST THE OWNER
12 OR OPERATOR OF THE CONFISCATED VEHICLE AND PAYMENT OF THE COSTS
13 OF THE AUTHORITY ASSOCIATED WITH CONFISCATION AND IMPOUNDMENT,
14 THE VEHICLE AND EQUIPMENT SHALL BE RETURNED TO ITS REGISTERED
15 OWNER OR REGISTERED LIENHOLDER, UNLESS THE AUTHORITY DETERMINES
16 THAT THE RELEASE WOULD PRESENT A DANGER TO THE TRAVELING PUBLIC.

17 (C) PUBLIC AUCTION.--THE FOLLOWING SHALL APPLY:

18 (1) IF THE OWNER, LIENHOLDER OR OPERATOR OF THE
19 IMPOUNDED VEHICLE OR EQUIPMENT DOES NOT ACT TO SECURE
20 POSSESSION OF THE IMPOUNDED PROPERTY WITHIN 45 DAYS OF THE
21 DATE OF IMPOUNDMENT, THE AUTHORITY MAY PUBLICLY AUCTION ALL
22 CONFISCATED PROPERTY. THE AUTHORITY MAY NOT SCHEDULE THE
23 IMPOUNDED VEHICLE OR EQUIPMENT FOR AUCTION IF THE OWNER,
24 LIENHOLDER OR OPERATOR HAS INITIATED PROCEEDINGS BEFORE THE
25 AUTHORITY TO CONTEST THE UNDERLYING VIOLATION OR THE
26 PROPRIETY OF THE IMPOUNDMENT.

27 (2) AT LEAST 30 DAYS BEFORE THE DATE OF THE PUBLIC
28 AUCTION, THE AUTHORITY SHALL PROVIDE NOTICE BY REGULAR MAIL
29 TO THE REGISTERED OWNER AND ANY REGISTERED LIENHOLDER OF THE
30 PUBLIC AUCTION OF CONFISCATED VEHICLES AND EQUIPMENT. THE

1 NOTICE REQUIRED UNDER THIS PARAGRAPH MAY BE PROVIDED WITHIN
2 THE PERIOD OF 45 DAYS OF THE DATE OF IMPOUNDMENT.

3 (3) THE AUTHORITY SHALL APPLY THE PROCEEDS FROM THE SALE
4 OF ALL CONFISCATED PROPERTY IN THE FOLLOWING ORDER:

5 (I) TO THE COSTS OF THE AUTHORITY ASSOCIATED WITH
6 THE CONFISCATION, IMPOUNDMENT AND AUCTION.

7 (II) TO ALL PENALTIES IMPOSED AND ALL OUTSTANDING
8 PENALTIES ASSESSED AGAINST THE OWNER AND OPERATOR OF THE
9 CONFISCATED PROPERTY.

10 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V), TO THE
11 LIEN OF ANY REGISTERED LIENHOLDER OF THE CONFISCATED
12 PROPERTY UPON DEMAND.

13 (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V), TO THE
14 REGISTERED OWNER OF THE CONFISCATED PROPERTY UPON DEMAND.

15 (V) WHEN NOT CLAIMED BY ANY REGISTERED LIENHOLDER OR
16 REGISTERED OWNER WITHIN ONE YEAR OF THE AUCTION DATE, TO
17 THE TNC REGULATORY FUND CREATED UNDER SECTION 57A22(C)
18 (RELATING TO TRANSPORTATION NETWORK SERVICE FUND).

19 (D) UNCOMPENSATED COSTS.--AFTER APPLICATION OF THE PROCEEDS
20 FROM THE SALE OF CONFISCATED PROPERTY UNDER SUBSECTION (C) (3),
21 THE UNCOMPENSATED COSTS OF THE AUTHORITY ASSOCIATED WITH THE
22 CONFISCATION, IMPOUNDMENT AND AUCTION AND ALL OUTSTANDING
23 PENALTIES IMPOSED AND ALL OUTSTANDING FINES ASSESSED AGAINST THE
24 REGISTERED OWNER OR OPERATOR OF THE CONFISCATED PROPERTY MAY BE
25 ASSESSED AGAINST THE REGISTERED OWNER OR OPERATOR OF THE
26 CONFISCATED PROPERTY AS THE AUTHORITY MAY PRESCRIBE BY
27 REGULATION.

28 § 57A21. ENFORCEMENT AND RULES AND REGULATIONS.

29 (A) DISPLAY.--UPON REQUEST, A TRANSPORTATION NETWORK COMPANY
30 DRIVER SHALL DISPLAY TO THE AUTHORITY OR OTHER PERSON AUTHORIZED

1 TO ENFORCE THIS CHAPTER A PHYSICAL OR ELECTRONIC RECORD OF A
2 RIDE IN PROGRESS SUFFICIENT TO ESTABLISH THAT IT WAS A
3 PREARRANGED RIDE. TO THE EXTENT THAT TRIP RECORDS ARE CONTAINED
4 ON ELECTRONIC DEVICES, DRIVERS ARE NOT REQUIRED TO RELINQUISH
5 CUSTODY OF THE DEVICES IN ORDER TO MAKE THE REQUIRED DISPLAY.

6 (B) INVESTIGATION.--IF A PERSON FILES A COMPLAINT AGAINST A
7 TRANSPORTATION NETWORK COMPANY OR TRANSPORTATION NETWORK COMPANY
8 DRIVER WITH THE AUTHORITY, IN ADDITION TO ALL OTHER POWERS AND
9 REMEDIES PROVIDED UNDER THIS TITLE, THE AUTHORITY MAY INSPECT
10 THE TRANSPORTATION NETWORK COMPANY'S RECORDS IN ACCORDANCE WITH
11 THIS CHAPTER AS NECESSARY TO INVESTIGATE AND RESOLVE THE
12 COMPLAINT. NOTHING PROVIDED IN THIS SECTION SHALL BE CONSTRUED
13 TO PROHIBIT THE AUTHORITY FROM INVESTIGATING ANY COMPLAINT
14 AGAINST A TRANSPORTATION NETWORK COMPANY DRIVER OR TAKING
15 APPROPRIATE ENFORCEMENT ACTION IN ACCORDANCE WITH THIS CHAPTER.

16 (C) AUTHORITY TO PRESCRIBE RULES AND REGULATIONS.--THE
17 AUTHORITY MAY PRESCRIBE RULES AND REGULATIONS AS IT DEEMS
18 NECESSARY TO GOVERN THE REGULATION OF TRANSPORTATION NETWORK
19 SERVICE ORIGINATING IN THE CITY UNDER THIS CHAPTER.

20 § 57A22. TRANSPORTATION NETWORK SERVICE FUND.

21 (A) MINIMUM ANNUAL ASSESSMENT.--THE FOLLOWING APPLY:

22 (1) A TRANSPORTATION NETWORK COMPANY SHALL REMIT TO THE
23 AUTHORITY A MINIMUM ANNUAL ASSESSMENT IN ACCORDANCE WITH THE
24 FOLLOWING FEE SCHEDULE:

25 (I) FOR A TIER 1 TNC, \$2,000,000.

26 (II) FOR A TIER 2 TNC, \$750,000.

27 (III) FOR A TIER 3 TNC, \$500,000.

28 (IV) FOR A TIER 4 TNC, \$100,000.

29 (2) THE ANNUAL MINIMUM PAYMENTS REQUIRED UNDER
30 PARAGRAPH (1) SHALL BE PAID TO THE AUTHORITY IN ADVANCE IN

1 FOUR EQUAL QUARTERLY INSTALLMENTS ON JULY 1, OCTOBER 1,
2 JANUARY 1 AND APRIL 1 OF EACH FISCAL YEAR. THE FISCAL YEAR
3 SHALL BEGIN EACH JULY 1 AND END THE FOLLOWING JUNE 30.
4 AMOUNTS DUE FOR LICENSES ISSUED BETWEEN THESE QUARTERLY DATES
5 SHALL BE ASSESSED ON A QUARTERLY BASIS.

6 (C) REGULATORY FUND.--THE CITY TRANSPORTATION NETWORK
7 SERVICE REGULATORY FUND IS ESTABLISHED AS A SPECIAL FUND IN THE
8 STATE TREASURY. THE CITY TRANSPORTATION NETWORK SERVICE
9 REGULATORY FUND SHALL BE THE PRIMARY OPERATING FUND OF THE
10 AUTHORITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER
11 AND SHALL BE ADMINISTERED AS FOLLOWS:

12 (1) ASSESSMENTS, FEES, PENALTIES AND OTHER REVENUES,
13 INTEREST EARNED BY THE CITY TRANSPORTATION NETWORK SERVICE
14 REGULATORY FUND, REFUNDS AND REPAYMENTS RELATED TO THE
15 ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER SHALL BE
16 DEPOSITED INTO THE CITY TRANSPORTATION NETWORK SERVICE
17 REGULATORY FUND BY THE AUTHORITY.

18 (2) MONEY DEPOSITED IN THE CITY TRANSPORTATION NETWORK
19 SERVICE REGULATORY FUND SHALL BE RESERVED FOR THE USE OF THE
20 AUTHORITY AND SHALL BE TRANSFERRED TO THE AUTHORITY WITHIN 30
21 DAYS OF RECEIPT OF SUCH FUNDS FOR THE PURPOSES OF
22 ADMINISTERING AND ENFORCING THIS TITLE.

23 (3) THE AUTHORITY SHALL HAVE AT LEAST ONE ANNUAL
24 EXAMINATION OF ITS BOOKS, ACCOUNTS AND RECORDS RELATED TO THE
25 CITY TRANSPORTATION NETWORK SERVICE REGULATORY FUND BY A
26 CERTIFIED PUBLIC ACCOUNTANT.

27 (C.1) EDUCATION FUND.--THE CITY TRANSPORTATION NETWORK
28 SERVICE EDUCATION FUND IS ESTABLISHED AS A SPECIAL FUND IN THE
29 STATE TREASURY. THE CITY TRANSPORTATION NETWORK SERVICE
30 EDUCATION FUND SHALL HOLD MONEY DEPOSITED WITH THE STATE

1 TREASURER AS PROVIDED UNDER SUBSECTION (D.1). THE STATE
2 TREASURER SHALL TRANSFER ALL OF THE MONEY IN THE CITY
3 TRANSPORTATION NETWORK SERVICE EDUCATION FUND TO THE GENERAL
4 FUND OF A SCHOOL DISTRICT OF THE FIRST CLASS COTERMINOUS WITH
5 THE CITY WITHIN 30 DAYS OF RECEIPT OF SUCH FUNDS. THE PROVISIONS
6 OF SECTION 696(H)(1) OF THE ACT OF MARCH 10, 1949 (P.L.30,
7 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, SHALL NOT APPLY
8 TO AMOUNTS TRANSFERRED TO A SCHOOL DISTRICT OF THE FIRST CLASS
9 UNDER THIS SUBSECTION.

10 (D) GROSS RECEIPTS ANNUAL ASSESSMENT.--ON JULY 30 OF EACH
11 YEAR, A TRANSPORTATION NETWORK COMPANY LICENSED BY THE AUTHORITY
12 UNDER THIS CHAPTER SHALL PAY TO THE AUTHORITY AN AMOUNT EQUAL TO
13 1.7% OF THE GROSS RECEIPTS FROM FARES COLLECTED FOR ALL
14 PREARRANGED RIDES THAT ORIGINATED IN THE CITY IN THE PRIOR
15 FISCAL YEAR MINUS THE MINIMUM ANNUAL ASSESSMENT THE
16 TRANSPORTATION NETWORK COMPANY PAID THAT YEAR IN ACCORDANCE WITH
17 SUBSECTION (B). THE ASSESSMENT UNDER THIS SECTION MAY ONLY BE
18 MADE UPON THE FARE COLLECTED AND SHALL NOT INCLUDE ANY OTHER
19 PAYMENT FOR PREARRANGED RIDES CHARGED TO RECOUP COSTS SUCH AS
20 TOLL, AIRPORT ENTRY FEES OR ASSESSMENTS NOT PROVIDED FOR IN THIS
21 SECTION. GROSS RECEIPTS FROM FARES SHALL NOT BE REDUCED BY ANY
22 INCOME OR SALES TAX, PAYMENT PROCESSING FEE, INTEREST OR
23 TRANSMISSION FEE.

24 (D.1) EXCESS FUNDS.--IN THE EVENT THE ASSESSMENT AMOUNT PAID
25 BY ALL TRANSPORTATION NETWORK COMPANIES REQUIRED UNDER
26 SUBSECTIONS (B) AND (D) RESULTS IN DEPOSITS EXCEEDING \$4,000,000
27 INTO THE CITY TRANSPORTATION NETWORK SERVICE REGULATORY FUND,
28 ANY EXCESS SHALL BE DEPOSITED INTO THE CITY TRANSPORTATION
29 NETWORK SERVICE EDUCATION FUND UNTIL SUCH TIME AS THE DEPOSITS
30 TO THAT FUND EQUAL \$4,000,000 AFTER WHICH THE BALANCE OF THE

1 ASSESSMENT PROVIDED FOR UNDER SUBSECTIONS (B) AND (D) SHALL BE
2 DIVIDED EQUALLY AND ONE-HALF OF SUCH BALANCE SHALL BE DEPOSITED
3 INTO THE CITY TRANSPORTATION NETWORK SERVICE EDUCATION FUND AND
4 ONE-HALF OF SUCH BALANCE SHALL BE DEPOSITED INTO THE CITY
5 TRANSPORTATION NETWORK SERVICE REGULATORY FUND.

6 (E) ASSESSMENT CAP.--THE FOLLOWING APPLY:

7 (1) THE TOTAL ANNUAL ASSESSMENTS OWED BY A
8 TRANSPORTATION NETWORK COMPANY FOR EACH FISCAL YEAR BEGINNING
9 JULY 1 UNDER SUBSECTIONS (B) AND (D) SHALL BE CAPPED AS
10 FOLLOWS:

11 (I) FOR A TIER 1 TNC, \$4,000,000.

12 (II) FOR A TIER 2 TNC, \$3,500,000.

13 (III) FOR A TIER 3 TNC, \$3,000,000.

14 (IV) FOR A TIER 4 TNC, \$3,000,000.

15 (2) THE CAP INSTITUTED UNDER THIS SUBSECTION SHALL APPLY
16 TO A TRANSPORTATION NETWORK COMPANY'S TOTAL ANNUAL
17 ASSESSMENT, REGARDLESS OF WHETHER THE FUNDS ARE DEPOSITED
18 INTO THE CITY TRANSPORTATION NETWORK SERVICE EDUCATION FUND,
19 THE CITY TRANSPORTATION NETWORK SERVICE REGULATORY FUND, OR
20 BOTH.

21 (F) ADJUSTMENTS.--ADJUSTMENTS TO THE AMOUNTS SET FORTH
22 UNDER SUBSECTIONS (B), (D.1) AND (E) SHALL BE MADE AS FOLLOWS:

23 (1) THE DEPARTMENT OF LABOR AND INDUSTRY OF THE
24 COMMONWEALTH SHALL DETERMINE THE PERCENTAGE CHANGE IN THE
25 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS: ALL ITEMS (CPI-
26 U) FOR THE UNITED STATES CITY AVERAGE AS PUBLISHED BY THE
27 UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR
28 STATISTICS, FOR THE 12-MONTH PERIOD ENDING SEPTEMBER 30,
29 2016, AND FOR EACH SUCCESSIVE 12-MONTH PERIOD THEREAFTER.

30 (2) IF THE DEPARTMENT OF LABOR AND INDUSTRY OF THE

1 COMMONWEALTH DETERMINES THAT THERE IS NO POSITIVE PERCENTAGE
2 CHANGE, THEN NO ADJUSTMENT TO THE ASSESSMENT AMOUNTS SHALL
3 OCCUR FOR THE RELEVANT TIME PERIOD PROVIDED FOR IN THIS
4 SUBSECTION.

5 (3) THE FOLLOWING APPLY:

6 (I) IF THE DEPARTMENT OF LABOR AND INDUSTRY
7 DETERMINES THAT THERE IS A POSITIVE PERCENTAGE CHANGE IN
8 THE FIRST YEAR THAT THE DETERMINATION IS MADE UNDER
9 PARAGRAPH (1), THE POSITIVE PERCENTAGE CHANGE SHALL BE
10 MULTIPLIED BY THE ASSESSMENT AMOUNTS, AND THE PRODUCTS
11 SHALL BE ADDED TO THE MINIMUM AND MAXIMUM ASSESSMENT
12 AMOUNTS, RESPECTIVELY, AND THE SUMS SHALL BE PRELIMINARY
13 ADJUSTED AMOUNTS.

14 (II) THE PRELIMINARY ADJUSTED AMOUNTS SHALL BE
15 ROUNDED TO THE NEAREST \$100 TO DETERMINE THE FINAL
16 ADJUSTED ASSESSMENT AMOUNTS FOR PURPOSES OF SUBSECTIONS
17 (B), (D.1) AND (E).

18 (4) IN EACH SUCCESSIVE YEAR IN WHICH THERE IS A POSITIVE
19 PERCENTAGE CHANGE IN THE CPI-U FOR THE UNITED STATES CITY
20 AVERAGE, THE POSITIVE PERCENTAGE CHANGE SHALL BE MULTIPLIED
21 BY THE MOST RECENT FINAL ADJUSTED AMOUNTS, AND THE PRODUCTS
22 SHALL BE ADDED TO THE FINAL ADJUSTED AMOUNT OF THE PRIOR YEAR
23 TO CALCULATE THE PRELIMINARY ADJUSTED AMOUNTS FOR THE CURRENT
24 YEAR. THE SUMS SHALL BE ROUNDED TO THE NEAREST \$100 TO
25 DETERMINE THE NEW FINAL ADJUSTED ASSESSMENT AMOUNTS FOR
26 PURPOSES OF SUBSECTIONS (B), (D.1) AND (E).

27 (5) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED UNDER
28 THIS SUBSECTION SHALL BE MADE IN THE PERIOD BETWEEN NOVEMBER
29 1 AND DECEMBER 15 OF THE YEAR THIS SUBSECTION IS APPLICABLE
30 AND ANNUALLY BETWEEN NOVEMBER 1 AND DECEMBER 15 OF EACH YEAR

1 THEREAFTER.

2 (6) THE FINAL ADJUSTED ASSESSMENT AMOUNTS FOR PURPOSES
3 OF SUBSECTIONS (B), (D.1) AND (E) SHALL APPLY JULY 1 FOR THE
4 FISCAL YEAR FOLLOWING THE YEAR IN WHICH THE DETERMINATION
5 REQUIRED UNDER PARAGRAPH (1) IS MADE.

6 (7) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL PUBLISH
7 NOTICE IN THE PENNSYLVANIA BULLETIN PRIOR TO JANUARY 31 OF
8 EACH YEAR OF THE ANNUAL PERCENTAGE CHANGE DETERMINED UNDER
9 PARAGRAPH (1) AND THE FINAL ADJUSTED ASSESSMENT AMOUNTS
10 DETERMINED UNDER PARAGRAPHS (3) AND (4) FOR THE FISCAL YEAR
11 BEGINNING THE FIRST DAY OF JULY 1 AFTER PUBLICATION OF THE
12 NOTICE. THE NOTICE SHALL INCLUDE A WRITTEN AND ILLUSTRATIVE
13 EXPLANATION OF THE CALCULATIONS PERFORMED BY THE DEPARTMENT
14 IN ESTABLISHING THE UNADJUSTED OR FINAL ADJUSTED ASSESSMENT
15 AMOUNTS UNDER THIS SUBSECTION FOR THE ENSUING FISCAL YEAR.

16 (G) STATEMENT REQUIRED.--THE FOLLOWING APPLY:

17 (1) EACH PAYMENT BY A TRANSPORTATION NETWORK COMPANY
18 MADE UNDER THIS SECTION SHALL BE SUBMITTED IN CONJUNCTION
19 WITH VERIFIED STATEMENT IDENTIFYING THE TRANSPORTATION
20 NETWORK COMPANY, THE SUBSECTION UNDER WHICH THE PAYMENT IS
21 BEING MADE. FOR PAYMENTS MADE UNDER SUBSECTION (D), THE
22 TRANSPORTATION NETWORK COMPANY SHALL ALSO VERIFY ITS TIER AS
23 PROVIDED IN SUBSECTION (A) AND THAT THE MONEY PAID TO THE
24 AUTHORITY CONSTITUTE THE TRUE AND FULL PAYMENTS REQUIRED BY
25 THIS SECTION. THE AUTHORITY MAY DEVELOP A STANDARD FORM TO BE
26 USED UNDER THIS SECTION. EXCEPT AS PROVIDED IN PARAGRAPH (2),
27 THE AUTHORITY MAY REQUIRE A TRANSPORTATION NETWORK COMPANY TO
28 PRODUCE SUCH RECORDS NECESSARY TO CONFIRM PROPER PAYMENT HAS
29 BEEN MADE AND CONDUCT AN AUDIT OF THE BOOKS, ACCOUNTS AND
30 RECORDS OF THE TRANSPORTATION NETWORK COMPANY RELATED TO

1 SERVICE IN THE CITY, AS PROVIDED IN THIS CHAPTER.

2 (2) A TIER 1 TNC THAT HAS PAID THE MAXIMUM TIER AMOUNT
3 UNDER SUBSECTION (B) AND THE MAXIMUM TIER AMOUNT UNDER
4 SUBSECTION (E) SHALL NOT BE SUBJECT TO AN AUDIT UNDER THIS
5 SUBSECTION.

6 (H) NONDISCLOSURE.--ANY INFORMATION DISCLOSED TO THE
7 AUTHORITY, A SCHOOL DISTRICT, THE STATE TREASURER OR ANY OTHER
8 INDIVIDUAL OR ENTITY UNDER THIS SECTION, INCLUDING ANY
9 INFORMATION RELATED TO THE AMOUNTS PAID UNDER SUBSECTION (F),
10 SHALL BE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE TO A THIRD
11 PARTY, INCLUDING THROUGH A REQUEST SUBMITTED UNDER THE ACT OF
12 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

13 (I) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
14 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
15 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

16 "ACTIVE DRIVER." A DRIVER WHO HAS COMPLETED AT LEAST ONE
17 PREARRANGED RIDE THAT WAS REQUESTED THROUGH THE TRANSPORTATION
18 NETWORK COMPANY'S DIGITAL NETWORK IN THE 90 DAYS IMMEDIATELY
19 PRECEDING THE DATE OF SUBMISSION OF THE COMPANY'S APPLICATION
20 FOR A TRANSPORTATION NETWORK COMPANY LICENSE OR SUBMISSION OF
21 ITS APPLICATION FOR RENEWAL.

22 "TIER 1 TNC." A TRANSPORTATION NETWORK COMPANY THAT, AT THE
23 TIME OF ISSUANCE OF ITS TRANSPORTATION NETWORK COMPANY LICENSE
24 OR ITS LICENSE RENEWAL, HAS MORE THAN 10,000 ACTIVE DRIVERS ON
25 ITS DIGITAL NETWORK.

26 "TIER 2 TNC." A TRANSPORTATION NETWORK COMPANY THAT, AT THE
27 TIME OF ISSUANCE OF ITS TRANSPORTATION NETWORK COMPANY LICENSE
28 OR ITS LICENSE RENEWAL, HAS AT LEAST 7,501 AND NOT MORE THAN
29 10,000 ACTIVE DRIVERS ON ITS DIGITAL NETWORK.

30 "TIER 3 TNC." A TRANSPORTATION NETWORK COMPANY THAT, AT THE

1 TIME OF ISSUANCE OF ITS TRANSPORTATION NETWORK COMPANY LICENSE
2 OR ITS LICENSE RENEWAL, HAS AT LEAST 1,001 AND NOT MORE THAN
3 7,500 ACTIVE DRIVERS ON ITS DIGITAL NETWORK.

4 "TIER 4 TNC." A TRANSPORTATION NETWORK COMPANY THAT, AT THE
5 TIME OF ISSUANCE OF ITS TRANSPORTATION NETWORK COMPANY LICENSE
6 OR ITS LICENSE RENEWAL, HAS AT LEAST 1 AND NOT MORE THAN 1,000
7 ACTIVE DRIVERS ON ITS DIGITAL NETWORK.

8 Section 2. The definitions of "common carrier" and "motor
9 carrier" in section 102 of Title 66 are amended, the definition
10 of "common carrier by motor vehicle" is amended by adding a
11 paragraph and the section is amended by adding definitions to
12 read:

13 § 102. Definitions.

14 Subject to additional definitions contained in subsequent
15 provisions of this part which are applicable to specific
16 provisions of this part, the following words and phrases when
17 used in this part shall have, unless the context clearly
18 indicates otherwise, the meanings given to them in this section:

19 * * *

20 "Common carrier." Any and all persons or corporations
21 holding out, offering, or undertaking, directly or indirectly,
22 service for compensation to the public for the transportation of
23 passengers or property, or both, or any class of passengers or
24 property, between points within this Commonwealth by, through,
25 over, above, or under land, water, or air, and shall include
26 forwarders, but shall not include contract carriers by motor
27 vehicles, or brokers, or any bona fide cooperative association
28 transporting property exclusively for the members of such
29 association on a nonprofit basis. The term does not include a
30 transportation network company or a transportation network

1 company driver.

2 "Common carrier by motor vehicle." Any common carrier who or
3 which holds out or undertakes the transportation of passengers
4 or property, or both, or any class of passengers or property,
5 between points within this Commonwealth by motor vehicle for
6 compensation, whether or not the owner or operator of such motor
7 vehicle, or who or which provides or furnishes any motor
8 vehicle, with or without driver, for transportation or for use
9 in transportation of persons or property as aforesaid, and shall
10 include common carriers by rail, water, or air, and express or
11 forwarding public utilities insofar as such common carriers or
12 such public utilities are engaged in such motor vehicle
13 operations, but does not include:

14 * * *

15 (10) A person or entity that is any of the following:

16 (i) A transportation network company.

17 (ii) A transportation network company driver.

18 * * *

19 "Digital network." Any online-enabled application, software,
20 website or system offered or utilized by a transportation
21 network company that enables the prearrangement of rides with
22 transportation network company drivers.

23 "Dual motor carrier." A call or demand carrier operating
24 under a certificate of public convenience and providing
25 transportation network services pursuant to a license from the
26 commission operating in this Commonwealth. The term includes a <--
27 common carrier, common carrier by motor vehicle or motor
28 carrier, that uses a digital network to facilitate prearranged
29 rides. COMMISSION. FOR PURPOSES OF THIS CHAPTER, ONLY <--

30 CERTIFICATED CALL OR DEMAND CARRIERS MAY FILE AN APPLICATION

1 WITH THE COMMISSION REQUESTING A LICENSE TO OPERATE A
2 TRANSPORTATION NETWORK SERVICE AS A DUAL MOTOR CARRIER.

3 "DUAL MOTOR CARRIER DRIVER." AN INDIVIDUAL WHO: <--

4 (1) RECEIVES CONNECTIONS TO POTENTIAL PASSENGERS AND
5 RELATED SERVICES FROM A DUAL MOTOR CARRIER IN EXCHANGE FOR
6 PAYMENT OF A FEE TO THE DUAL MOTOR CARRIER; AND

7 (2) USES A PERSONAL VEHICLE TO OFFER OR PROVIDE A
8 PREARRANGED RIDE TO PASSENGERS UPON CONNECTION THROUGH A
9 DIGITAL NETWORK CONTROLLED BY A DUAL MOTOR CARRIER IN RETURN
10 FOR COMPENSATION OR PAYMENT OF A FEE.

11 "DYNAMIC PRICING." A TRANSPORTATION NETWORK COMPANY'S
12 PRACTICE OF ADJUSTING THE CALCULATION USED TO DETERMINE FARES AT
13 CERTAIN TIMES AND LOCATIONS IN RESPONSE TO THE SUPPLY OF
14 TRANSPORTATION NETWORK COMPANY DRIVERS AND THE DEMAND FOR
15 TRANSPORTATION NETWORK SERVICES.

16 * * *

17 "Motor carrier." A common carrier by motor vehicle, and a
18 contract carrier by motor vehicle. The term does not include a
19 transportation network company or a transportation network
20 company driver.

21 * * *

22 "Personal vehicle." As follows:

23 (1) A vehicle that is used by a transportation network
24 company driver and is owned, leased or otherwise authorized
25 for use by the transportation network company driver.

26 (2) The term does not include:

27 (i) a call or demand service or limousine service as
28 defined under 53 Pa.C.S. § 5701 (relating to
29 definitions);

30 (ii) a common carrier, common carrier by motor

1 vehicle or motor carrier;
2 (iii) a broker or contract carrier by motor vehicle
3 as defined under section 2501(b) (relating to declaration
4 of policy and definitions); or
5 (iv) a driver operating under ridesharing <--
6 arrangement or VEHICLE OPERATED UNDER A RIDESHARING <--
7 ARRANGEMENT OR BY A ridesharing operator as defined under
8 the act of December 14, 1982 (P.L.1211, No.279), entitled
9 "An act providing for ridesharing arrangements and
10 providing that certain laws shall be inapplicable to
11 ridesharing arrangements."
12 "Prearranged ride." The provision of transportation by a
13 transportation network company driver to a passenger, beginning
14 when a transportation network company driver accepts a ride
15 requested by a passenger through a digital network, continuing
16 while the driver transports the passenger and ending when the
17 last passenger departs from the personal vehicle. A prearranged
18 ride does not include:
19 (1) transportation provided using a call or demand
20 service or limousine service as defined under 53 Pa.C.S. §
21 5701 (relating to definitions) ;
22 (2) a common carrier, common carrier by motor vehicle or
23 motor carrier, unless the service A PREARRANGED RIDE is <--
24 provided by a dual motor carrier;
25 (3) a broker or contract carrier by motor vehicle as
26 defined under section 2501(b); or
27 (4) a driver operating under A ridesharing arrangement <--
28 or A ridesharing operator. AS DEFINED UNDER THE ACT OF <--
29 DECEMBER 14, 1982 (P.L.1211, NO.279), ENTITLED "AN ACT
30 PROVIDING FOR RIDESHARING ARRANGEMENTS AND PROVIDING THAT

1 CERTAIN LAWS SHALL BE INAPPLICABLE TO RIDESHARING
2 ARRANGEMENTS."

3 * * *

4 "Transportation network company." As follows: <--

5 (1) A person that meets all of the following:

6 (i) Is licensed by the commission.

7 (ii) Operates in this Commonwealth.

8 (iii) Uses a digital network to facilitate
9 prearranged rides.

10 (iv) If rides are initiated in a city of the first
11 class, obtains a certificate to operate from the parking
12 authority of the city of the first class.

13 (2) Dual motor carriers licensed by the commission under
14 section 2604 (relating to licenses, certificates and
15 regulations) that use a digital network to facilitate
16 prearranged rides.

17 "Transportation network company driver." An individual who:

18 (1) receives connections to potential passengers and
19 related services from a transportation network company,
20 including a dual motor carrier licensed by the commission, in
21 exchange for payment of a fee to the transportation network
22 company; and

23 (2) uses a personal vehicle to offer or provide a
24 prearranged ride to passengers upon connection through a
25 digital network controlled by a transportation network
26 company in return for compensation or payment of a fee.

27 "TRANSPORTATION NETWORK COMPANY" OR "COMPANY." A PERSON OR <--
28 ENTITY LICENSED BY THE COMMISSION TO OPERATE A TRANSPORTATION
29 NETWORK SERVICE IN THIS COMMONWEALTH AND THAT USES A DIGITAL
30 NETWORK TO FACILITATE PREARRANGED RIDES. THE FOLLOWING SHALL

1 APPLY:

2 (1) THE TERM SHALL INCLUDE A DUAL MOTOR CARRIER.

3 (2) THE TERM SHALL NOT INCLUDE:

4 (I) A COMMON CARRIER, COMMON CARRIER BY MOTOR
5 VEHICLE OR MOTOR CARRIER OTHER THAN A DUAL MOTOR CARRIER.

6 (II) A COMPANY PROVIDING TRANSPORTATION UNDER A
7 RIDESHARING ARRANGEMENT, AS DEFINED UNDER THE ACT OF
8 DECEMBER 14, 1982 (P.L.1211, NO.279), ENTITLED "AN ACT
9 PROVIDING FOR RIDESHARING ARRANGEMENTS AND PROVIDING THAT
10 CERTAIN LAWS SHALL BE INAPPLICABLE TO RIDESHARING
11 ARRANGEMENTS."

12 "TRANSPORTATION NETWORK COMPANY DRIVER" OR "DRIVER." AS
13 FOLLOWS:

14 (1) AN INDIVIDUAL WHO:

15 (I) RECEIVES CONNECTIONS TO POTENTIAL PASSENGERS AND
16 RELATED SERVICES FROM A TRANSPORTATION NETWORK COMPANY IN
17 EXCHANGE FOR PAYMENT OF A FEE TO THE TRANSPORTATION
18 NETWORK COMPANY; AND

19 (II) USES A PERSONAL VEHICLE TO OFFER OR PROVIDE A
20 PREARRANGED RIDE TO PASSENGERS UPON CONNECTION THROUGH A
21 DIGITAL NETWORK CONTROLLED BY A TRANSPORTATION NETWORK
22 COMPANY IN RETURN FOR COMPENSATION OR PAYMENT OF A FEE.

23 (2) THE TERM SHALL INCLUDE A DUAL MOTOR CARRIER DRIVER.

24 (3) THE TERM SHALL NOT INCLUDE AN INDIVIDUAL WHO
25 RECEIVES ONLY REIMBURSEMENT FOR ACTUAL EXPENSES INCURRED
26 DURING THE PROVISION OF TRANSPORTATION.

27 "Transportation network company passenger" or "passenger." A
28 person who uses a digital network to connect with a
29 transportation network driver who provides prearranged rides to
30 the passenger in the driver's personal vehicle between points

1 chosen by the passenger.

2 "Transportation network service." <--

3 (1) A service which meets all of the following:

4 (i) Matches a passenger and transportation network
5 company driver using a digital network in advance of a
6 prearranged ride.

7 (ii) Is rendered on an exclusive basis. For purposes
8 of this paragraph, the term "exclusive basis" means a
9 transportation network service on a given trip when each
10 individual, party or group may not be required to ride
11 with another passenger on that trip unless the
12 individual, party or group consents to additional
13 passengers on the trip.

14 (2) The term includes transportation of a passenger
15 following connection with a transportation network company
16 driver through a digital network.

17 "TRANSPORTATION NETWORK SERVICE" OR "SERVICE." <--

18 (1) A SERVICE WHICH MEETS ALL OF THE FOLLOWING:

19 (I) MATCHES A PASSENGER AND TRANSPORTATION NETWORK
20 COMPANY DRIVER USING A DIGITAL NETWORK IN ADVANCE OF A
21 PREARRANGED RIDE.

22 (II) IS CHARACTERIZED BY A TRANSPORTATION NETWORK
23 COMPANY DRIVER OFFERING OR PROVIDING A PREARRANGED RIDE
24 TO A PASSENGER.

25 (III) IS RENDERED ON AN EXCLUSIVE BASIS. FOR
26 PURPOSES OF THIS PARAGRAPH, THE TERM "EXCLUSIVE BASIS"
27 MEANS A TRANSPORTATION NETWORK SERVICE ON A GIVEN
28 PREARRANGED RIDE WHEN EACH INDIVIDUAL, PARTY OR GROUP MAY
29 NOT BE REQUIRED TO RIDE WITH ANOTHER PASSENGER ON THAT
30 PREARRANGED RIDE UNLESS THE INDIVIDUAL, PARTY OR GROUP

1 CONSENTS TO ADDITIONAL PASSENGERS ON THE PREARRANGED
2 RIDE.

3 (2) THE TERM INCLUDES THE PERIODS WHEN:

4 (I) A DRIVER IS LOGGED ONTO A TRANSPORTATION NETWORK
5 COMPANY'S DIGITAL NETWORK AND AVAILABLE FOR SERVICE.

6 (II) A DRIVER IS CONDUCTING A PREARRANGED RIDE.

7 * * *

8 Section 3. Title 66 is amended by adding a section to read:

9 § 512.1. Power of commission to confiscate, impound and sell
10 vehicles.

11 (a) Authorization.--The commission is empowered to
12 confiscate a vehicle and impound and sell a vehicle if the
13 vehicle is used to provide a prearranged ride following
14 disqualification under section 2609(b) (relating to fines and
15 penalties) or suspension or revocation of a transportation
16 network company's license under this title.

17 ~~(b) Return of vehicle. The vehicle may be returned to the~~ <--
18 ~~registered owner upon satisfaction of all civil penalties~~
19 ~~imposed against the transportation network company and the~~
20 ~~driver of a confiscated vehicle and payment of the costs of the~~
21 ~~commission associated with confiscation and impoundment. Failure~~
22 ~~to pay fines, penalties and costs may result in forfeiture and~~
23 ~~sale of the vehicle.~~

24 (B) RETURN OF VEHICLE.--THE VEHICLE MAY BE RETURNED TO THE <--
25 REGISTERED OWNER UPON PAYMENT OF THE COSTS OF THE COMMISSION
26 ASSOCIATED WITH CONFISCATION AND IMPOUNDMENT. FAILURE OF A
27 TRANSPORTATION NETWORK COMPANY, DRIVER OF A CONFISCATED VEHICLE
28 OR REGISTERED OWNER TO PAY THESE COSTS MAY RESULT IN FORFEITURE
29 AND SALE OF THE VEHICLE.

30 (c) Commission duties.--The commission shall establish THE <--

1 FOLLOWING by regulation or order ~~the following~~: <--

2 (1) grounds for confiscation, impoundment or sale;

3 (2) procedures for satisfaction of outstanding fines,
4 penalties and costs and notice and hearing; and

5 (3) if the fines, penalties and costs are not timely
6 paid, the timing of the sale and the allocation of proceeds
7 from the sale of impounded vehicles.

8 (D) DISPOSITION OF SALE PROCEEDS.--THE PROCEEDS OF THE SALE <--

9 OF A VEHICLE BY THE COMMISSION UNDER THIS SECTION SHALL FIRST BE
10 USED TO SATISFY ANY LIENS ON THE VEHICLE OR, IF THE VEHICLE IS
11 SUBJECT TO A LEASE, TO PAY THE LESSOR DAMAGES DUE TO LESSOR UPON
12 DEFAULT BY THE LESSEE AS PROVIDED BY 13 PA.C.S. § 2A527
13 (RELATING TO LESSOR'S RIGHTS TO DISPOSE OF GOODS) PRIOR TO
14 PAYING ANY FINES, PENALTIES AND COSTS.

15 Section 4. The definition of "broker" in section 2501(b) of
16 Title 66 is amended and paragraph (2) of the definition of
17 "contract carrier by motor vehicle" is amended by adding a
18 subparagraph to read:

19 § 2501. Declaration of policy and definitions.

20 * * *

21 (b) Definitions.--The following words and phrases when used
22 in this part shall have, unless the context clearly indicates
23 otherwise, the meanings given to them in this subsection:

24 "Broker." Any person or corporation not included in the term
25 "motor carrier" and not a bona fide employee or agent of any
26 such carrier, or group of such carriers, who or which, as
27 principal or agent, sells or offers for sale any transportation
28 by a motor carrier, or the furnishing, providing, or procuring
29 of facilities therefor, or negotiates for, or holds out by
30 solicitation, advertisement, or otherwise, as one who sells,

1 provides, furnishes, contracts, or arranges for such
2 transportation, or the furnishing, providing, or procuring of
3 facilities therefor, other than as a motor carrier directly or
4 jointly, or by arrangement with another motor carrier, and who
5 does not assume custody as a carrier. The term does not include
6 a transportation network company or a transportation network
7 company driver.

8 "Contract carrier by motor vehicle."

9 * * *

10 (2) The term "contract carrier by motor vehicle" does
11 not include:

12 * * *

13 (x) A transportation network company or a
14 transportation network company driver.

15 Section 5. Title 66 is amended by adding chapters to read:

16 CHAPTER 24

17 MOTOR CARRIER REGULATIONS

18 Sec.

19 2401. Regulation of taxis and limousines.

20 2402. Regulations.

21 2403. Lease to own.

22 § 2401. Regulation of taxis and limousines.

23 (a) Promulgation.--The commission shall, within 150 days of
24 the effective date of this section, promulgate temporary
25 regulations. The temporary regulations shall not be subject to
26 the following:

27 (1) Sections 201, 202, 203, 204 and 205 of the act of
28 July 31, 1968 (P.L.769, No.240), referred to as the
29 Commonwealth Documents Law.

30 (2) Sections 204(b) and 301(10) of the act of October

1 15, 1980 (P.L.950, No.164), known as the Commonwealth
2 Attorneys Act.

3 (3) The act of June 25, 1982 (P.L.633, No.181), known as
4 the Regulatory Review Act.

5 (b) Expiration.--The temporary regulations under subsection
6 (a) shall expire upon the promulgation of final-form regulations
7 or two years following the effective date of this section,
8 whichever is earlier.

9 § 2402. Regulations.

10 The temporary regulations under section 2401 (relating to
11 regulation of taxis and limousines) shall address all of the
12 following:

13 (1) The use of log sheets and manifests, including the
14 storage of information on digital or other electronic
15 devices.

16 (2) Metering addressing the use of a variety of
17 technologies.

18 (3) Vehicles' age and mileage, including procedures to
19 petition for exceptions to age and mileage standards.

20 (4) Marking of taxis, including advertising.

21 (5) The operation of lease-to-own taxi and limousine
22 equipment.

23 (6) Taxi tariffs, including rate and tariff change
24 procedures for both meters and digital platforms. Regulations
25 shall address cancellations, no-shows and cleaning fees.
26 Regulations shall reflect reduced or flexible rates and
27 tariffs as appropriate.

28 (7) Limousine tariffs, including rate and tariff change
29 procedures. Regulations shall reflect reduced or flexible
30 rates and tariffs as appropriate.

1 (8) Driver requirements, including criminal history
2 background check requirements and driving record
3 requirements.

4 (9) Vehicle requirements, including compliance with
5 environmental, cleanliness, safety and customer service
6 standards, including special safety requirements for
7 children.

8 (10) Requirements for continuous service and exceptions
9 for unexpected demand and personal health and safety.

10 (11) Insurance requirements for taxis, limousines and
11 dual motor carriers. The commission shall take into
12 consideration the amount required for dual motor carriers.

13 § 2403. Lease to own.

14 (a) ~~Insurance~~ CONDITIONS.--A taxi or limousine service may <--
15 enter into conditional lease or sale agreements with drivers of
16 a vehicle if the taxi or limousine service does the following:

17 (1) Provides required levels of insurance on the
18 vehicle.

19 (2) Ensures that the vehicle is subjected to and
20 complies with all vehicle inspection requirements.

21 (3) Ensures that the driver complies with all the
22 requirements of this title AND COMMISSION REGULATIONS. <--

23 (b) Responsibility.--The taxi or limousine service shall not
24 be required to provide insurance to a driver who completes
25 purchase of the vehicle and OR who no longer provides driver <--
26 services to the taxi or limousine company.

27 CHAPTER 26

28 TRANSPORTATION NETWORK SERVICE

29 Sec.

30 2601. Definitions.

1 2602. Exclusions.
2 2603. Applicability of certain laws and prohibition.
3 2603.1. Financial responsibility requirements.
4 2603.2. Disclosures.
5 2604. Licenses, ~~certificates~~ and regulations. <--
6 2604.1. Licensure requirements.
7 2604.2. Records.
8 2604.3. ~~Discrimination in service~~ SERVICE STANDARDS. <--
9 2604.4. Dual motor carrier authority.
10 2604.5. Lienholder AND LESSOR requirements. <--
11 2605. Transportation network company drivers.
12 2606. Personal vehicle requirements.
13 2607. Rates and forms of compensation.
14 2608. Nondisclosure of passenger information.
15 2609. Fines and penalties.
16 2610. Commission costs.
17 2611. ~~City of the first class.~~ <--
18 § 2601. Definitions.
19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:
22 "Authority." ~~A parking authority of a city of the first~~ <--
23 ~~class.~~
24 "Driver." ~~A transportation network company driver.~~
25 "License." ~~Proof of the commission's approval authorizing a~~
26 ~~transportation network company to operate a transportation~~
27 ~~network service in this Commonwealth in accordance with this~~
28 ~~chapter. The term does not include a certificate of public~~
29 ~~convenience as described under Chapter 11 (relating to~~
30 ~~certificates of public convenience).~~

1 § 2602. Exclusions.

2 (a) Ridesharing.--A transportation network company may not
3 be considered a ridesharing arrangement or ridesharing operator
4 under the act of December 14, 1982 (P.L.1211, No.279), entitled
5 "An act providing for ridesharing arrangements and providing
6 that certain laws shall be inapplicable to ridesharing
7 arrangements."

8 (b) Other sources.--A transportation network company may not
9 be considered a company or service that connects an individual
10 through a digital network for the purpose of transportation to a
11 common destination when the transportation service does not
12 include the services of a driver or where a driver is
13 compensated only for actual expenses incurred for rental, lease <--
14 or fuel costs of the vehicle.

15 (c) Limitation. A transportation network company shall not
16 be deemed to control, direct or manage the personal vehicles of
17 transportation network company drivers that connect to a
18 transportation network company's network.

19 § 2603. Applicability of certain laws and prohibition.

20 (a) CITIES OF THE FIRST CLASS.--THE PROVISIONS OF THIS <--
21 CHAPTER SHALL NOT APPLY TO TRANSPORTATION NETWORK COMPANIES,
22 TRANSPORTATION NETWORK COMPANY DRIVERS OR TRANSPORTATION NETWORK
23 SERVICES ORIGINATING WITHIN A CITY OF THE FIRST CLASS.

24 (B) Motor carrier laws.--Except as otherwise provided under
25 this chapter, the following laws and regulations of this
26 Commonwealth may not apply to a transportation network company
27 or transportation network company driver:

28 (1) This title, except that the commission may regulate
29 transportation network companies under Chapters 3 (relating
30 to public utility commission), 5 (relating to powers and

1 duties), 7 (relating to procedure on complaints), 15
2 (relating to service and facilities) and 33 (relating to
3 violations and penalties) and this chapter. If a subject is
4 regulated under this chapter in addition to another chapter
5 under this paragraph, this chapter shall apply.

6 (2) 53 Pa.C.S. (relating to municipalities generally).

7 (3) Laws and regulations containing insurance
8 requirements for motor carriers, except as provided in
9 section ~~2604.1(b)(8)~~ 2604.1(B)(9) (relating to licensure <--
10 requirements).

11 (4) Laws and regulations imposing a greater standard of
12 care on motor carriers than that imposed on other drivers or
13 owners of motor vehicles.

14 (5) Laws and regulations imposing special equipment
15 requirements and accident reporting requirements on motor
16 carriers.

17 (b) Municipal licenses and taxes.--Except as otherwise
18 provided, a municipality may not impose a tax on or require a
19 license for a transportation network company or transportation
20 network service.

21 § 2603.1. Financial responsibility requirements.

22 (a) Requirements.--

23 (1) Upon the effective date of this section, a
24 transportation network company driver or transportation
25 network company on the driver's behalf shall maintain primary
26 automobile insurance that recognizes that the driver is a
27 transportation network company driver or otherwise uses a
28 vehicle to transport passengers for compensation and covers
29 the driver when:

30 (i) the driver is logged on to the digital network;

1 and

2 (ii) the driver is engaged in a prearranged ride.

3 (2) Unless otherwise required by order or regulation of
4 the commission, the following automobile insurance
5 requirements shall apply to the transportation network
6 company driver or the transportation network company on the
7 driver's behalf while a participating transportation network
8 company driver is logged on to the digital network and is
9 available to receive transportation requests but is not
10 engaged in a prearranged ride:

11 (i) Primary automobile liability insurance in the
12 amount of at least \$50,000 for death and bodily injury
13 per person, \$100,000 for death and bodily injury per
14 incident and \$25,000 for property damage.

15 (ii) First-party medical benefits, including \$25,000
16 for pedestrians and \$5,000 for a driver.

17 (iii) The coverage requirements may be satisfied by
18 any of the following:

19 (A) automobile insurance maintained by the
20 transportation network company driver;

21 (B) automobile insurance maintained by the
22 transportation network company; or

23 (C) any combination of clauses (A) and (B).

24 (3) Unless otherwise required by order or regulation of
25 the commission, the following automobile insurance
26 requirements shall apply while a transportation network
27 company driver is engaged in a prearranged ride:

28 (i) Primary automobile liability insurance that
29 provides at least \$500,000 for death, bodily injury and
30 property damage.

1 (ii) First-party medical benefits as required by 75
2 Pa.C.S. § 1711 (relating to required benefits) on a per-
3 incident basis for incidents involving a transportation
4 network company driver's operation of a personal vehicle
5 while engaged in a prearranged ride, including \$25,000
6 for passengers and pedestrians and \$5,000 for a driver.

7 (iii) The coverage requirements may be satisfied by
8 any of the following:

9 (A) automobile insurance maintained by the
10 transportation network company driver;

11 (B) automobile insurance maintained by the
12 transportation network company; or

13 (C) any combination of clauses (A) and (B).

14 ~~(3.1) Notwithstanding paragraphs (1), (2) and (3),~~ <--
15 ~~insurance required for dual motor carriers that are~~
16 ~~transportation network company vehicles shall be the same as~~
17 ~~insurance coverage for taxis. The commission may increase the~~
18 ~~insurance coverage for dual motor carriers and taxis, as~~
19 ~~appropriate.~~

20 (3.1) A TRANSPORTATION NETWORK COMPANY OR TRANSPORTATION <--
21 NETWORK COMPANY DRIVER SHALL MAINTAIN INSURANCE COVERAGE TO
22 REPAIR A PERSONAL VEHICLE IN THE EVENT OF AN ACCIDENT WHILE
23 PROVIDING TRANSPORTATION NETWORK SERVICE. THE AMOUNT OF
24 COVERAGE SHALL BE BASED UPON THE VALUE OF THE VEHICLE AS
25 DETERMINED BY KELLY BLUE BOOK OR OTHER SOURCE, AS APPROVED BY
26 THE COMMISSION.

27 (3.2) NOTWITHSTANDING PARAGRAPHS (1), (2) AND (3),
28 INSURANCE COVERAGE REQUIRED FOR DUAL MOTOR CARRIER DRIVERS
29 THAT ARE USING PERSONAL VEHICLES TO PROVIDE TRANSPORTATION
30 NETWORK SERVICES SHALL BE THE SAME AS THE INSURANCE COVERAGE

1 REQUIRED FOR TAXIS. THE COMMISSION SHALL REVIEW AND INCREASE
2 THE INSURANCE COVERAGE REQUIREMENTS FOR DUAL MOTOR CARRIERS
3 AND TAXIS AS NECESSARY IN THE PUBLIC INTEREST.

4 (4) If insurance maintained by a driver under paragraph
5 (2) or (3) has lapsed or does not provide the required
6 coverage, insurance maintained by a transportation network
7 company shall provide the coverage required by this section
8 beginning with the first dollar of a claim, and the
9 transportation network company's insurer shall have the duty
10 to defend such claim.

11 (5) Coverage under an automobile insurance policy
12 maintained under this section shall be primary and not be
13 dependent on a personal automobile insurer first denying a
14 claim nor shall a personal automobile insurance policy be
15 required to first deny a claim.

16 (6) The automobile insurance required by FOR a <--
17 transportation network company under paragraph (4) shall be
18 evidenced by the filing of a certificate of insurance. The
19 certificate of insurance must be filed, WITH THE COMMISSION, <--
20 by the insurance carrier and must be in the form specified by
21 the commission by order or regulation.

22 (7) Insurance required under this subsection shall be
23 placed with an insurer that has obtained a certificate of
24 authority under section 208 of the act of May 17, 1921
25 (P.L.789, No.285), known as The Insurance Department Act of
26 1921, or a surplus lines insurer eligible under section 1605
27 of the act of May 17, 1921 (P.L.682, No.284), known as The
28 Insurance Company Law of 1921.

29 (8) Insurance satisfying the requirements of this
30 section shall be deemed to satisfy the financial

1 responsibility requirement for a motor vehicle under 75
2 Pa.C.S. Ch. 17 (relating to financial responsibility).

3 (9) A transportation network company driver shall carry
4 proof of coverage satisfying paragraphs (2) and (3) when the
5 driver uses a vehicle in connection with a digital network.
6 In the event of an accident, a transportation network company
7 driver shall provide the proof of insurance coverage to the
8 directly interested parties, automobile insurers and
9 investigating police officers under 75 Pa.C.S. § 1786
10 (relating to required financial responsibility). A
11 transportation network company driver shall also disclose to
12 directly interested parties, automobile insurers and
13 investigating police officers whether the driver was logged
14 on to the digital network or on a prearranged ride at the
15 time of an accident.

16 (10) It shall be the sole and exclusive responsibility
17 of a transportation network company to ensure that automobile
18 insurance coverage required to be carried by the
19 transportation network company driver under this section is
20 in force prior to permitting a transportation network company
21 driver to provide transportation network service.

22 (b) Automobile insurance provisions.--

23 (1) Insurers that write automobile insurance in this
24 Commonwealth may exclude any and all coverage afforded under
25 the policy issued to an owner or operator of a personal
26 vehicle for any loss or injury that occurs while a driver is
27 logged on to a digital network or while a driver provides a
28 prearranged ride. The right to exclude all coverage may apply
29 to any coverage included in an automobile insurance policy,
30 including, but not limited to:

1 (i) liability coverage for bodily injury and
2 property damage;
3 (ii) uninsured and underinsured motorist coverage;
4 (iii) medical payments coverage;
5 (iv) comprehensive physical damage coverage;
6 (v) collision physical damage coverage; and
7 (vi) first-party medical benefits required under
8 subsection (a) (2) (ii).

9 (2) Notwithstanding any requirement under 75 Pa.C.S. Ch.
10 17, exclusions under paragraph (1) shall apply. Nothing in
11 this section shall require that a personal automobile
12 insurance policy provide coverage while the driver is logged
13 on to a digital network, while the driver is engaged in a
14 prearranged ride or while the driver otherwise uses a vehicle
15 to transport passengers for compensation. Nothing in this
16 subsection shall be deemed to preclude an insurer from
17 providing coverage for the personal vehicle if the insurer
18 chooses to do so by contract or endorsement.

19 (3) Automobile insurers that exclude the coverage
20 described in paragraph (1) shall have no duty to defend or
21 indemnify any claim expressly excluded under the coverage.
22 Nothing in this section shall be deemed to invalidate or
23 limit an exclusion contained in a personal insurance policy,
24 including any policy in use or approved for use in this
25 Commonwealth prior to the enactment of this section, that
26 excludes coverage for vehicles used to carry persons or
27 property for a charge or available for hire by the public.

28 (4) An automobile insurer that defends or indemnifies a
29 claim against a driver that is excluded under the terms of
30 its policy shall have a right of contribution against other

1 insurers that provide automobile insurance to the same driver
2 in satisfaction of the coverage requirements of subsection
3 (a) at the time of loss.

4 (5) In a claims coverage investigation, transportation
5 network companies and any insurer potentially providing
6 coverage under subsection (a) shall cooperate to facilitate
7 the exchange of relevant information with directly involved
8 parties and any insurer of the transportation network company
9 driver, if applicable, including the precise times that a
10 transportation network company driver logged on and logged
11 off of the digital network in the 12-hour period immediately
12 preceding and in the 12-hour period immediately following the
13 accident and disclose a clear description of the coverage,
14 exclusions and limits provided under any automobile insurance
15 maintained under subsection (a).

16 (c) Waiver of liability prohibited.--

17 (1) A transportation network company or transportation
18 network company driver may not request or require a passenger
19 to sign a waiver of potential liability for a loss of
20 personal property or injury.

21 (2) A transportation network company may not request or
22 require a transportation network company driver to sign a
23 waiver of potential liability for a loss of personal property
24 or injury.

25 (3) For the purposes of this subsection, signing a
26 waiver shall include requiring a prospective customer to
27 agree to the terms and conditions required to download a
28 digital application as a condition for obtaining
29 transportation network services.

30 § 2603.2. Disclosures.

<--

1 (a) Requirement.--A disclosure under THE DISCLOSURES
 2 REQUIRED BY this section shall be provided in writing to all
 3 transportation network company drivers prior to the designation
 4 of an individual as a transportation network company driver.
 5 Transportation network companies shall retain written or
 6 electronic verification records of the receipt of disclosures
 7 required under this section by the transportation network
 8 driver.

9 (b) Insurance and lienholder disclosures.--The
 10 transportation network company shall provide the following
 11 disclosures:

12 (1) Insurance coverage, including the types of coverage
 13 and the limits for each coverage that the transportation
 14 network company provides while the transportation network
 15 company driver uses a vehicle in connection with a digital
 16 network.

17 (2) Notice that the terms of the transportation network
 18 company driver's own automobile insurance policy might not
 19 provide any coverage while the driver is logged on to the
 20 digital network and available to receive transportation
 21 requests or is engaged in a prearranged ride.

22 (3) If a transportation network company driver does not
 23 have the type of policy required under section 2603.1
 24 (relating to financial responsibility requirements), notice
 25 that the transportation network company will provide all
 26 required insurance.

27 (4) The accident protocol required under section 2605(b)
 28 (relating to transportation network company drivers).

29 (5) Notice of lienholder AND LESSOR requirements under
 30 section 2604.5 (relating to lienholder AND LESSOR

<--

<--

1 requirements).

2 (6) Notice that the driver must notify the following:

3 (i) The driver's auto insurance company OR INSURANCE <--
4 AGENT that the driver will be using the vehicle to
5 provide services under this chapter.

6 (II) THE LIENHOLDER OR LESSOR THAT THE DRIVER WILL <--
7 BE USING THE VEHICLE TO PROVIDE SERVICES UNDER THIS
8 CHAPTER.

9 ~~(ii)~~ (III) If the driver will not be using a vehicle <--
10 owned and insured by the driver, the disclosures under
11 paragraphs (b) (1), (2) and (3) shall be provided to the
12 policyholder and to the owner of the vehicle.

13 § 2604. Licenses, certificates and regulations. <--

14 (a) Requirements for transportation network

15 companies.--A transportation network company may not
16 operate in this Commonwealth unless it holds and maintains a
17 license issued by the commission.

18 (b) Certificate of public convenience.--A license under this
19 chapter shall not act as a certificate of public convenience
20 under Chapter 11 (relating to certificates of public
21 convenience). The commission shall provide for all licensure
22 regulation, policies and orders necessary to regulate
23 transportation network services under this chapter and to
24 enforce the provisions of this chapter, including all of the
25 following:

26 (1) Rights, privileges and duties of transportation
27 network companies and drivers.

28 (2) Suspension, revocation or renewal requirements for
29 transportation network companies.

30 (3) Conditions on a license necessary to ensure

1 compliance with this chapter and the laws of this
2 Commonwealth.

3 (4) Regulations and orders relating to procedures for
4 customers to file complaints with the commission.

5 (5) Regulations and orders adopted by the commission
6 relating to accessibility for individuals with mental or
7 physical disabilities.

8 § 2604.1. Licensure requirements.

9 (a) Application.--An application for a license under this
10 chapter must be made to the commission in writing, be verified
11 by oath or affirmation of an officer of the applicant and be in
12 a form and contain information required by the commission,
13 including the following:

14 (1) Proof that the transportation network company is
15 registered with the Department of State to do business in
16 this Commonwealth.

17 (2) Proof that the transportation network company
18 maintains a registered agent in this Commonwealth.

19 (3) Proof that the transportation network company
20 maintains a website that includes the information required
21 under subsection (b)(10).

22 (4) Proof that the transportation network company has
23 secured the insurance policies required under and otherwise
24 complied with section 2603.1 (relating to financial
25 responsibility requirements) in the form of a certificate of
26 insurance.

27 (5) A license shall be issued to a transportation
28 network company applicant if the commission determines that
29 the applicant will comply with this chapter and any
30 conditions imposed by the commission and meets all the

1 requirements of subsection (b). The commission may impose
2 conditions that are reasonably related to a licensee's
3 obligations as set forth in this chapter.

4 (6) Proof that the transportation network company meets
5 all the requirements of subsection (b).

6 (b) Requirements.--An applicant seeking a license under this
7 section must do all of the following as a condition of receipt
8 and maintenance of a license:

9 (1) Establish and maintain the following:

10 (i) An agent for service of process in this
11 Commonwealth.

12 ~~(ii) A website that provides a customer service~~ <--
13 ~~telephone number or e mail address of the transportation~~
14 ~~network company and the telephone number and e mail~~
15 ~~address of the commission.~~

16 ~~(iii) Records required under this chapter at a~~
17 ~~location within this Commonwealth and make them available~~
18 ~~for inspection by the commission upon request as~~
19 ~~necessary for the commission to investigate complaints.~~

20 (II) RECORDS REQUIRED UNDER THIS CHAPTER AND MAKE <--
21 THEM AVAILABLE FOR INSPECTION BY THE COMMISSION, AT A
22 LOCATION WITHIN THIS COMMONWEALTH OR ELECTRONICALLY, UPON
23 REQUEST AS NECESSARY FOR THE COMMISSION TO INVESTIGATE
24 COMPLAINTS.

25 (2) Maintain accurate records of each transportation
26 network company driver providing transportation network
27 services and the vehicles used to provide the service for no
28 less than three years or for another period as determined by
29 the commission. Records retained under this paragraph must
30 include:

1 (i) ~~Current records of adequate~~ PROOF OF VALID <--
2 personal automobile insurance.

3 (ii) ~~Criminal history records checks.~~ <--

4 (iii) ~~Driving record checks~~ HISTORY REPORTS. <--

5 (iv) ~~Valid driver's license and vehicle registration~~ <--
6 and proof of vehicle inspections. COPIES OF VALID <--
7 DRIVER'S LICENSES FOR EACH DRIVER AND VEHICLE
8 REGISTRATION AND PROOF OF VEHICLE INSPECTIONS FOR ALL
9 PERSONAL VEHICLES AFFILIATED WITH THE TRANSPORTATION
10 NETWORK COMPANY.

11 (v) Records of consumer complaints.

12 (vi) Records of suspension or deactivation of
13 drivers.

14 (vii) Records of disclosures required to be provided
15 to drivers under this chapter.

16 (3) Maintain vehicle records, including the make, model
17 and license plate number of each personal vehicle used by a
18 transportation network company driver to provide
19 transportation network service.

20 (4) Implement a zero-tolerance policy on the use of
21 drugs or alcohol while a transportation network company
22 driver provides transportation network service. A
23 transportation network company driver who is the subject of a
24 reasonable passenger complaint alleging a violation of the
25 zero-tolerance policy shall be immediately suspended. The
26 suspension shall last until the time the complaint
27 investigation is complete. The following information shall be
28 provided on a transportation network company's publicly
29 accessible Internet website:

30 (i) Notice of the zero-tolerance policy.

1 (ii) Procedures to report a complaint about a
2 transportation network company driver with whom the
3 passenger was matched and whom the passenger reasonably
4 suspects was under the influence of drugs or alcohol
5 during the course of the ride.

6 ~~(5) Obtain and review, prior to permitting a person to~~ <--
7 ~~act as a transportation network company driver on its digital~~
8 ~~network, a background check report that includes a source~~
9 ~~review of Federal and State criminal history background~~
10 ~~checks. The transportation network company shall disqualify~~
11 ~~an applicant convicted of certain crimes in accordance with~~
12 ~~the following:~~

13 ~~(i) An applicant convicted of any of the following~~
14 ~~within the preceding seven years:~~

15 ~~(A) Driving under the influence of drugs or~~
16 ~~alcohol.~~

17 ~~(B) A felony conviction involving theft.~~

18 ~~(C) A felony conviction for fraud.~~

19 ~~(D) A felony conviction for a violation of the~~
20 ~~act of April 14, 1972 (P.L.233, No.64), known as The~~
21 ~~Controlled Substance, Drug, Device and Cosmetic Act.~~

22 ~~(ii) The applicant has been convicted of any of the~~
23 ~~following at any time:~~

24 ~~(A) A sexual offense under 42 Pa.C.S. §~~
25 ~~9799.14(c) or (d) (relating to sexual offenses and~~
26 ~~tier system) or similar offense under the laws of~~
27 ~~another jurisdiction or under a former law of this~~
28 ~~Commonwealth.~~

29 ~~(B) Use of a motor vehicle to commit a felony.~~

30 ~~(C) Burglary or robbery.~~

1 ~~(D) A crime of violence as defined in 18 Pa.C.S.~~

2 ~~§ 5702 (relating to definitions).~~

3 ~~(E) An act of terror.~~

4 ~~(6) Obtain and review, prior to permitting a person to~~
5 ~~act as a transportation network company driver on its digital~~
6 ~~network, a driving history report for the person from the~~
7 ~~Department of Transportation and other relevant sources. A~~
8 ~~person with more than three moving violations in the three~~
9 ~~year period prior to the check or a major violation in the~~
10 ~~three year period prior to the check may not be a~~
11 ~~transportation network company driver. A transportation~~
12 ~~network company shall review the driving history report of~~
13 ~~each transportation network company driver not less than~~
14 ~~every third year that a driver is acting as a transportation~~
15 ~~network company driver.~~

16 ~~(7) Establish and provide driver training program~~
17 ~~materials designed to ensure that each driver understands~~
18 ~~safety and driving requirements. The materials shall be~~
19 ~~provided prior to the driver being permitted to offer~~
20 ~~transportation network services through the transportation~~
21 ~~network company's digital network. The program may be~~
22 ~~provided online.~~

23 ~~(5) PRIOR TO PERMITTING A PERSON TO ACT AS A~~ <--
24 ~~TRANSPORTATION NETWORK COMPANY DRIVER ON ITS DIGITAL NETWORK,~~
25 ~~A TRANSPORTATION NETWORK COMPANY SHALL DO ALL OF THE~~
26 ~~FOLLOWING:~~

27 ~~(I) CONDUCT OR HAVE A THIRD PARTY CONDUCT A LOCAL~~
28 ~~AND NATIONAL CRIMINAL BACKGROUND CHECK FOR EACH DRIVER~~
29 ~~APPLICANT. THE BACKGROUND CHECK SHALL INCLUDE A~~
30 ~~MULTISTATE OR MULTIJURISDICTIONAL CRIMINAL RECORDS~~

1 LOCATOR OR OTHER SIMILAR COMMERCIAL NATIONWIDE DATABASE
2 WITH PRIMARY SOURCE SEARCH VALIDATION AND A REVIEW OF THE
3 UNITED STATES DEPARTMENT OF JUSTICE NATIONAL SEX OFFENDER
4 PUBLIC WEBSITE. THE TRANSPORTATION NETWORK COMPANY SHALL
5 DISQUALIFY AN APPLICANT CONVICTED OF CERTAIN CRIMES IN
6 ACCORDANCE WITH THE FOLLOWING:

7 (A) AN APPLICANT CONVICTED OF ANY OF THE
8 FOLLOWING WITHIN THE PRECEDING SEVEN YEARS:

9 (I) DRIVING UNDER THE INFLUENCE OF DRUGS OR
10 ALCOHOL.

11 (II) A FELONY CONVICTION INVOLVING THEFT.

12 (III) A FELONY CONVICTION FOR FRAUD.

13 (IV) A FELONY CONVICTION FOR A VIOLATION OF
14 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
15 AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
16 COSMETIC ACT.

17 (B) AN APPLICANT CONVICTED OF ANY OF THE
18 FOLLOWING WITHIN THE PRECEDING 10 YEARS:

19 (I) USE OF A MOTOR VEHICLE TO COMMIT A
20 FELONY.

21 (II) BURGLARY OR ROBBERY.

22 (C) AN APPLICANT CONVICTED OF ANY OF THE
23 FOLLOWING AT ANY TIME:

24 (I) A SEXUAL OFFENSE UNDER 42 PA.C.S. §
25 9799.14(C) OR (D) (RELATING TO SEXUAL OFFENSES
26 AND TIER SYSTEM) OR SIMILAR OFFENSE UNDER THE
27 LAWS OF ANOTHER JURISDICTION OR UNDER A FORMER
28 LAW OF THIS COMMONWEALTH.

29 (II) A CRIME OF VIOLENCE AS DEFINED IN 18
30 PA.C.S. § 5702 (RELATING TO DEFINITIONS).

1 (III) AN ACT OF TERROR.

2 (II) OBTAIN AND REVIEW A DRIVING HISTORY RESEARCH
3 REPORT FOR THE PERSON FROM THE DEPARTMENT OF
4 TRANSPORTATION AND OTHER RELEVANT SOURCES. A PERSON WITH
5 MORE THAN THREE MOVING VIOLATIONS IN THE THREE-YEAR
6 PERIOD PRIOR TO THE CHECK OR A MAJOR VIOLATION IN THE
7 THREE-YEAR PERIOD PRIOR TO THE CHECK MAY NOT BE A
8 TRANSPORTATION NETWORK COMPANY DRIVER.

9 (III) ONE YEAR AFTER ENGAGING A TRANSPORTATION
10 NETWORK COMPANY DRIVER AND EVERY SECOND YEAR THEREAFTER,
11 CONDUCT THE CRIMINAL BACKGROUND AND DRIVING HISTORY
12 CHECKS REQUIRED BY THIS SUBSECTION AND VERIFY THAT A
13 TRANSPORTATION NETWORK COMPANY DRIVER CONTINUES TO BE
14 ELIGIBLE TO BE A DRIVER.

15 (6) (RESERVED).

16 (7) ESTABLISH AND PROVIDE, IN WRITING OR ELECTRONICALLY,
17 DRIVER TRAINING PROGRAM MATERIALS DESIGNED TO ENSURE THAT
18 EACH DRIVER UNDERSTANDS SAFETY AND DRIVING REQUIREMENTS WHILE
19 LOGGED ON TO A DIGITAL NETWORK OR PROVIDING A PREARRANGED
20 RIDE. DRIVER PROGRAM MATERIALS SHALL CONTAIN INFORMATION
21 RELATED TO PROVIDING SERVICE TO PEOPLE WITH DISABILITIES.
22 DRIVERS SHALL BE REQUIRED TO ACKNOWLEDGE RECEIPT OF PROGRAM
23 MATERIALS.

24 (8) Display, on the digital network, a picture of the
25 transportation network company driver and a description of
26 the individual's vehicle used in providing transportation
27 network service, including the make, model and license plate
28 number of the vehicle.

29 (9) Maintain insurance as required under section 2603.1
30 as memorialized by the filing of the appropriate certificates

1 of insurance with the commission.

2 (10) Establish and maintain a publicly accessible
3 Internet website that provides:

4 ~~(i) A customer service telephone number or e-mail~~ <--
5 ~~address.~~

6 (I) AT LEAST TWO OF THE FOLLOWING: <--

7 (A) A CUSTOMER SERVICE TELEPHONE NUMBER.

8 (B) AN E-MAIL ADDRESS.

9 (C) A HYPERLINK.

10 (D) ANY OTHER COMMUNICATION METHOD THAT ALLOWS A
11 PERSON TO COMMUNICATE DIRECTLY WITH THE CUSTOMER
12 SERVICE DEPARTMENT OF A TRANSPORTATION NETWORK
13 COMPANY.

14 (ii) The telephone number to file a consumer
15 complaint with the commission AND THE COMMISSION'S <--
16 INTERNET WEBSITE ADDRESS.

17 (11) Comply with the commission's regulations and orders
18 regarding the reporting of motor carrier accidents for any
19 accidents involving a personal vehicle. Accident reports
20 shall be maintained for a period of three years from the date
21 of the accident.

22 (12) Maintain verifiable records regarding its
23 operations and obligations under this chapter for a minimum
24 period of three years or as may be required by the commission
25 by regulation or order.

26 (13) Provide written notice to a driver of the scope and
27 levels of insurance coverage required under section 2603.1.

28 (14) Provide to transportation network company drivers a
29 placard or decal for the vehicle that has been approved by
30 the commission. The decal shall be displayed at any time the

<--

1 driver is logged onto ON TO the digital network or is
2 providing a prearranged ride under this chapter.

3 § 2604.2. Records.

4 The commission shall be authorized to inspect, audit and
5 investigate any books, records and facilities of the
6 transportation network company and any affiliated entities as
7 necessary to ensure compliance with this chapter. Documents or
8 records marked as confidential will be treated according to the
9 commission's practices and regulations regarding confidential
10 and trade secret information. Information disclosed to the
11 commission under this chapter shall be exempt from disclosure to
12 a third person, including through a request submitted under the
13 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
14 Know Law.

<--

15 § 2604.3. Discrimination in service SERVICE STANDARDS.

16 (a) General.--Where transportation network services are
17 offered, a transportation network company must take reasonable
18 steps to ensure that the service provided by each transportation
19 network company driver who utilizes the digital network is safe,
20 reasonable and adequate. A transportation network company may
21 not unlawfully discriminate against a prospective passenger or
22 unlawfully refuse to provide service to a certain class of
23 passengers or certain localities.

24 (b) Disabled individuals.--Each licensed transportation
25 network company must:

26 (1) Adopt a policy of nondiscrimination regarding
27 individuals with ~~physical or mental~~ disabilities in
28 accordance with this subsection. The following information
29 shall be provided on the transportation network company's
30 publicly accessible Internet website:

<--

1 (i) Notice of the nondiscrimination policy.
2 (ii) Procedures to report a complaint to the
3 commission ~~or authority~~ about a transportation network <--
4 company driver's alleged violation of this subsection.

5 (2) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS <--
6 SECTION, THE DIGITAL NETWORK USED BY A TRANSPORTATION NETWORK
7 COMPANY TO CONNECT DRIVERS AND PASSENGERS MUST BE ACCESSIBLE
8 TO CONSUMERS WHO ARE BLIND, VISUALLY IMPAIRED, DEAF AND HARD
9 OF HEARING.

10 (3) A transportation network company driver must
11 transport a service animal when accompanying a passenger with
12 a ~~physical or mental~~ disability for no additional charge <--
13 unless the transportation network company driver has a
14 documented medical allergy on file with the transportation
15 network company. SERVICE ANIMALS SHALL BE PERMITTED TO RIDE <--
16 IN THE PASSENGER COMPARTMENT OF A VEHICLE. IT SHALL BE A
17 VIOLATION OF THIS CHAPTER FOR A TRANSPORTATION NETWORK
18 COMPANY DRIVER TO PLACE A SERVICE ANIMAL IN ANY PART OF A
19 VEHICLE OTHER THAN THE PASSENGER COMPARTMENT.

20 ~~(3)~~ (4) A transportation network company may not impose <--
21 additional charges for service to an individual with a
22 ~~physical or mental~~ disability. <--

23 ~~(4)~~ (5) A transportation network company shall, IN AN <--
24 AREA WHERE WHEELCHAIR ACCESSIBLE SERVICE IS AVAILABLE,
25 provide passengers with ~~physical or mental~~ disabilities <--
26 requiring the use of mobility equipment an opportunity to
27 indicate on its digital network whether they require a
28 wheelchair accessible vehicle. A transportation network
29 company or an affiliated entity must, IF WHEELCHAIR <--
30 ACCESSIBLE SERVICE IS AVAILABLE, facilitate transportation

1 service for passengers who require a wheelchair-accessible
2 vehicle by doing one of the following:

3 (i) connecting the passenger to an available
4 transportation network company driver or other driver
5 operating a wheelchair-accessible vehicle; or

6 ~~(ii) directing the passenger to a holder of a~~ <--
7 ~~certificate of public convenience issued by the~~
8 ~~commission or the authority to provide call or demand~~
9 ~~service with the ability to dispatch wheelchair~~
10 ~~accessible vehicle to the passenger.~~

11 (II) IF CONNECTION UNDER SUBPARAGRAPH (I) IS NOT <--
12 AVAILABLE, DIRECTING THE PASSENGER TO AN ALTERNATIVE
13 PROVIDER WITH THE LEGAL AUTHORITY AND ABILITY TO DISPATCH
14 A WHEELCHAIR-ACCESSIBLE VEHICLE TO THE PASSENGER.

15 § 2604.4. Dual motor carrier authority.

16 A dual motor carrier that provides call or demand service
17 under a certificate of public convenience and that has obtained
18 a license from the commission to provide transportation network
19 service may dispatch either a call or demand vehicle or a
20 personal vehicle driven by a transportation network company DUAL <--
21 MOTOR CARRIER driver to provide service in its authorized
22 service territory. THE CERTIFICATE HOLDER SHALL ENSURE, IN THE <--
23 SAME MANNER USED FOR CALL OR DEMAND FLEET VEHICLES, THAT
24 PERSONAL VEHICLES USED TO PROVIDE SERVICE UNDER THIS SECTION ARE
25 IN CONTINUOUS COMPLIANCE WITH DEPARTMENT OF TRANSPORTATION
26 INSPECTION STANDARDS AND THE COMMISSION'S VEHICLE STANDARDS.

27 § 2604.5. Lienholder AND LESSOR requirements. <--

28 ~~If the vehicle utilized by a transportation network company~~ <--
29 ~~driver is subject to a lien or lease and the lienholder or~~
30 ~~lessor requires comprehensive and collision insurance in the~~

1 ~~lien or lease agreement, the transportation network company~~
2 ~~shall notify the driver to provide a signed document that~~
3 ~~affirms that the driver has the comprehensive and collision~~
4 ~~insurance required by the lienholder or lessor. The document~~
5 ~~must be updated on an annual basis. The transportation network~~
6 ~~company shall notify drivers in writing whether it is providing~~
7 ~~comprehensive and collision coverage during service.~~

8 (A) ACKNOWLEDGMENT OF LIEN AND LEASE OBLIGATIONS.-- <--

9 (1) A TRANSPORTATION NETWORK COMPANY SHALL DISCLOSE THE
10 FOLLOWING PROMINENTLY AND WITH A SEPARATE ACKNOWLEDGMENT OF
11 ACCEPTANCE TO ALL PROSPECTIVE TRANSPORTATION NETWORK COMPANY
12 DRIVERS IN ITS WRITTEN TERMS OF SERVICE FOR DRIVERS. THE
13 DISCLOSURE SHALL BE PROVIDED BEFORE A DRIVER IS ALLOWED TO
14 OFFER PREARRANGED RIDES ON A TRANSPORTATION NETWORK COMPANY'S
15 DIGITAL NETWORK:

16 [NAME OF TRANSPORTATION NETWORK COMPANY] WILL PROVIDE
17 YOU WITH A NOTICE EXPLAINING WHETHER IT PROVIDES
18 INSURANCE TO REPAIR YOUR PERSONAL VEHICLE IF YOU HAVE
19 AN ACCIDENT WHEN USING YOUR VEHICLE IN A
20 TRANSPORTATION NETWORK. IF [NAME OF TRANSPORTATION
21 NETWORK COMPANY] DOES NOT PROVIDE COVERAGE FOR DAMAGE
22 TO YOUR CAR, YOUR PERSONAL AUTOMOBILE INSURANCE
23 POLICY MIGHT NOT PROVIDE THE COVERAGE AND YOU MAY BE
24 REQUIRED TO PAY ALL COSTS TO REPAIR THE VEHICLE
25 YOURSELF IN THE EVENT OF AN ACCIDENT FOR WHICH YOU
26 ARE AT FAULT UNLESS YOU PURCHASE EXTRA INSURANCE. IF
27 YOU FINANCED THE PURCHASE OF THE VEHICLE OR LEASE THE
28 VEHICLE, YOU MUST NOTIFY YOUR LENDER OR LESSOR THAT
29 YOU WILL USE YOUR VEHICLE TO PROVIDE TRANSPORTATION
30 NETWORK SERVICE. YOUR LENDER OR LESSOR MAY REQUIRE

1 YOU TO PURCHASE EXTRA INSURANCE COVERAGE OR IF YOU DO
2 NOT DO SO, MAY PURCHASE INSURANCE ON YOUR BEHALF AND
3 BILL YOU FOR THE COSTS OF THE POLICY. THE FAILURE TO
4 NOTIFY A LENDER OR LESSOR OR TO HAVE INSURANCE TO
5 COVER THE COST OF DAMAGE TO THE VEHICLE MAY CAUSE
6 YOUR VEHICLE TO BE REPOSSESSED OR YOUR LEASE TO BE
7 REVOKED. IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, YOU
8 SHOULD CONTACT YOUR INSURANCE AGENT, YOUR LENDER OR
9 LESSOR OR THE PENNSYLVANIA INSURANCE DEPARTMENT.

10 (2) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE THE
11 NOTICE REQUIRED UNDER PARAGRAPH (1) UPON ANY SUBSEQUENT
12 MATERIAL REDUCTION IN INSURANCE COVERAGE BY THE COMPANY. FOR
13 PURPOSES OF THIS PARAGRAPH, "MATERIAL REDUCTION IN INSURANCE
14 COVERAGE" SHALL NOT INCLUDE THE REPLACEMENT OF INSURANCE
15 COVERAGE WITH SUBSTANTIALLY SIMILAR INSURANCE COVERAGE FROM A
16 DIFFERENT INSURER BY A TRANSPORTATION NETWORK COMPANY.

17 (3) A TRANSPORTATION NETWORK COMPANY SHALL NOTIFY
18 DRIVERS IN WRITING WHETHER IT IS PROVIDING COMPREHENSIVE AND
19 COLLISION COVERAGE DURING SERVICE.

20 (B) PAYMENT OF DAMAGE CLAIMS.--IF A TRANSPORTATION NETWORK
21 COMPANY'S INSURER MAKES A PAYMENT FOR A CLAIM COVERED UNDER
22 COMPREHENSIVE OR COLLISION COVERAGE, THE TRANSPORTATION NETWORK
23 COMPANY SHALL CAUSE ITS INSURER TO ISSUE THE PAYMENT DIRECTLY TO
24 THE BUSINESS REPAIRING THE VEHICLE OR JOINTLY TO THE OWNER OF
25 THE VEHICLE AND THE PRIMARY LIENHOLDER OR LESSOR.

26 (C) DIRECT PLACEMENT OF INSURANCE.--IF A DRIVER OF A
27 PERSONAL VEHICLE USED IN TRANSPORTATION NETWORK SERVICE THAT IS
28 SUBJECT TO A LIEN OR LEASE FAILS TO MAINTAIN COMPREHENSIVE OR
29 COLLISION DAMAGE COVERAGE REQUIRED BY THE LIENHOLDER OR LESSOR,
30 OR TO SHOW EVIDENCE TO THE LIENHOLDER OR LESSOR OF THE COVERAGE

1 UPON REASONABLE REQUEST, THE LIENHOLDER OR LESSOR MAY OBTAIN THE
2 COVERAGE AT THE EXPENSE OF THE DRIVER WITHOUT PRIOR NOTICE TO
3 THE DRIVER.

4 § 2605. Transportation network company drivers.

5 (a) Separate licenses prohibited.--A separate license may
6 not be required for a transportation network company driver to
7 provide transportation network service by an approved
8 transportation network company. Except as otherwise specifically
9 provided, a transportation network company driver shall not be
10 subject to other chapters in this title or 53 Pa.C.S. (relating
11 to municipalities generally).

12 (b) Requirements for transportation network company
13 drivers.--A transportation network company driver must:

14 (1) Be at least 21 years of age.

15 (2) ~~Submit to a criminal history record check and an~~ <--
16 ~~appropriate driving history record check as specified in~~
17 ~~section 2604.1 (relating to licensure requirements). SATISFY <--~~
18 ~~THE CRIMINAL HISTORY RECORD CHECK AND DRIVING HISTORY RECORD~~
19 ~~CHECK REQUIREMENTS OF SECTION 2604.1 (RELATING TO LICENSURE~~
20 ~~REQUIREMENTS).~~

21 (3) Possess a valid driver's license and proof of the
22 driver's motor vehicle insurance.

23 (4) Carry proof, either a paper copy or electronic copy,
24 of the transportation network company's liability insurance
25 required under section 2603.1(b) (relating to financial
26 responsibility requirements) for any PERSONAL vehicle used by <--
27 the driver.

28 (5) In the case of an accident:

29 (i) Provide the insurance coverage information
30 required under paragraph (4) to any other party involved

1 in the accident and, if applicable, to the law
2 enforcement officer who responds to the scene of the
3 accident.

4 (ii) Report the accident to the transportation
5 network company.

6 (iii) Report the accident to the following:

7 (A) the transportation network company driver's
8 personal automobile insurer if required by the
9 driver's policy;

10 (B) the owner of the automobile if the driver is
11 not the owner of the automobile;

12 (C) the insurer providing insurance required
13 under section 2603.1; and

14 (D) the holder of the insurance policy covering
15 the automobile if the driver is not the holder of the
16 policy.

17 (6) Notify the transportation network company
18 immediately upon conviction for any offense listed under
19 section 2604.1(b) (5) ~~or (6)~~ which would disqualify the <--
20 transportation network company driver from being eligible to
21 provide transportation network service.

22 (7) Only accept a ride arranged through a digital
23 network ~~and~~. TRANSPORTATION NETWORK COMPANY DRIVERS MAY not <--
24 solicit or accept street hails or telephone calls requesting
25 transportation network service.

26 ~~(8) Display a removable placard or decal provided by the~~ <--
27 ~~transportation network company that has been approved by the~~
28 ~~commission on the automobile at any time the driver is logged~~
29 ~~onto the digital network or is offering or providing a~~
30 ~~prearranged ride under this chapter. Placards or other~~

~~1 markings must be clearly distinguishable and clearly visible~~
~~2 from the outside of the vehicle.~~

3 (7.1) (I) NOT OPERATE OR CAUSE TO BE OPERATED A <--
4 PERSONAL VEHICLE AFFILIATED WITH THE TRANSPORTATION
5 NETWORK COMPANY IN ANY AREA WHERE THE OPERATION OF THE
6 VEHICLE IS PROHIBITED BY LAW, INCLUDING ANY AREA AT A
7 COMMERCIAL SERVICE AIRPORT.

8 (II) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO
9 LIMIT THE ABILITY OF A MUNICIPALITY OR OTHER GOVERNING
10 AUTHORITY THAT OWNS OR OPERATES A COMMERCIAL SERVICE
11 AIRPORT FROM ADOPTING CONTRACTS OR REGULATIONS RELATING
12 TO THE DUTIES AND RESPONSIBILITIES OF A TRANSPORTATION
13 NETWORK COMPANY, TRANSPORTATION NETWORK COMPANY DRIVER OR
14 TRANSPORTATION NETWORK SERVICE ON AIRPORT PROPERTY.

15 (III) FOR PURPOSES OF THIS PARAGRAPH, THE TERM
16 "COMMERCIAL SERVICE AIRPORT" SHALL HAVE THE SAME MEANING
17 AS PROVIDED UNDER 49 U.S.C. § 47102 (RELATING TO
18 DEFINITIONS).

19 (8) DISPLAY A COMMISSION-APPROVED REMOVABLE PLACARD OR
20 DECAL PROVIDED BY THE TRANSPORTATION NETWORK COMPANY ON THE
21 AUTOMOBILE AT ANY TIME THE DRIVER IS LOGGED ON TO THE DIGITAL
22 NETWORK OR IS OFFERING OR PROVIDING A PREARRANGED RIDE UNDER
23 THIS CHAPTER. PLACARDS OR OTHER MARKINGS MUST BE CLEARLY
24 DISTINGUISHABLE TO IDENTIFY THAT A PARTICULAR VEHICLE IS
25 ASSOCIATED WITH A PARTICULAR TRANSPORTATION NETWORK COMPANY
26 AND BE SUFFICIENTLY LARGE AND COLOR-CONTRASTED TO BE READABLE
27 DURING DAYLIGHT HOURS AT A DISTANCE OF AT LEAST 50 FEET.

28 (9) NOT SMOKE WHILE ENGAGING IN A PREARRANGED RIDE.

29 (c) Driver verification.--

30 (1) A driver shall provide affirmation to the

1 transportation network company of the following:

2 (i) That the driver is the owner or authorized user
3 of the vehicle and has received notification of all <--
4 requirements under ALL OF THE DISCLOSURES REQUIRED BY <--
5 section 2603.2 (relating to disclosures).

6 (ii) That the driver has notified the driver's
7 personal insurance company or policyholder that the
8 driver will be using the vehicle to provide
9 transportation network services to the public for
10 compensation.

11 (iii) If the driver will not be using a vehicle
12 owned by the driver, that the driver has notified the
13 owner of the vehicle.

14 (iv) That the driver has received notification of
15 all requirements under subsection (b) and has complied
16 with those requirements.

17 (2) The affirmation required under paragraph (1) may be
18 CONTAINED in a written or an electronic form and shall <--
19 include the driver's electronic or written signature.

20 § 2606. Personal vehicle requirements.

21 (a) Authorized vehicles.--Personal vehicles used by a
22 transportation network company driver to provide transportation
23 network service may be a coupe, sedan or other light-duty
24 vehicle, including a van, minivan, sport utility vehicle,
25 hatchback, convertible or pickup truck that is equipped and
26 licensed for use on a public highway. At no time may a vehicle
27 used to provide transportation network service transport a
28 greater number of individuals, including the driver, than the
29 number of seat belts factory installed in the vehicle.

30 (b) Vehicle requirements.--No vehicle being used to provide

1 transportation network service may be older than 10 model years
2 old or 12 model years if the vehicle is an alternative fuel
3 vehicle as defined in section 2 of the act of November 29, 2004
4 (P.L.1376, No.178), known as the Alternative Fuels Incentive
5 Act, and has been driven no more than 350,000 miles. The
6 commission may adjust the requirements of this subsection by
7 regulation or order. All vehicles shall be marked as required by
8 the commission under section 2605(b) (8) (relating to
9 transportation network company drivers).

10 (c) Inspections required.--

11 (1) An annual certificate of inspection under 75 Pa.C.S.
12 Ch. 47 (relating to inspection of vehicles) must be obtained
13 from an inspection station approved by the Department of
14 Transportation under 67 Pa. Code Ch. 175 (relating to vehicle
15 equipment and inspection) for each personal vehicle. A valid
16 certificate of inspection shall be maintained in all
17 vehicles. For a vehicle registered outside this Commonwealth,
18 inspection must be conducted by a facility approved by the
19 Department of Transportation.

20 (2) The transportation network company shall ensure that
21 its drivers' vehicles remain in continuous compliance with
22 this section and the commission's vehicle standards and are
23 subject to periodic inspections according to Department of
24 Transportation inspection standards.

25 (3) A commission officer may inspect a personal vehicle
26 if there is reason to believe that the vehicle is not in
27 compliance with the commission's vehicle standards to ensure
28 compliance with this section.

29 § 2607. Rates and forms of compensation.

30 (a) Passenger receipt.--Upon completion of transportation

1 under this chapter, each transportation network company shall
2 transmit an electronic receipt to the passenger's e-mail address
3 or account on a digital network documenting:

4 (1) The origination, destination, mileage and time
5 estimated of the trip.

6 (2) The driver's first name.

7 (3) The total amount paid, if any.

8 (b) Tariff and fares.--A transportation network company
9 shall file and maintain with the commission a tariff that sets
10 forth the terms and conditions of service, ~~or, in a city of the~~ <--
11 ~~first class, with the parking authority of a city of the first~~
12 ~~class, including the basis for its fares and its policies~~
13 regarding ~~surge~~ DYNAMIC pricing. A transportation network <--
14 company may offer transportation network service at no charge,
15 suggest a donation or charge a fare. If a fare is charged, a
16 transportation network company must disclose the fare
17 calculation method prior to providing an arranged ride.

18 (c) Estimates.--The transportation network company must
19 provide estimates upon request for the cost of a trip.

20 ~~(d) Limitation. When a state of disaster emergency is~~ <--
21 ~~declared under 35 Pa.C.S. § 7301 (relating to general authority~~
22 ~~of Governor), pricing for a transportation network service~~
23 ~~within the geographic region that is the subject of the~~
24 ~~declaration must comply with the act of October 31, 2006-~~
25 ~~(P.L.1210, No.133), known as the Price Gouging Act.~~

26 (D) DYNAMIC PRICING.--A TRANSPORTATION NETWORK COMPANY SHALL <--
27 PROVIDE NOTICE TO POTENTIAL PASSENGERS PRIOR TO ACCEPTING A RIDE
28 THROUGH ITS DIGITAL NETWORK ANY TIME DYNAMIC PRICING IS IN
29 EFFECT.

30 (E) LIMITATION.--WHEN A STATE OF DISASTER EMERGENCY IS

1 DECLARED UNDER 35 PA.C.S. § 7301 (RELATING TO GENERAL AUTHORITY
2 OF GOVERNOR), A TRANSPORTATION NETWORK COMPANY THAT ENGAGES IN
3 DYNAMIC PRICING SHALL LIMIT THE MULTIPLIER BY WHICH ITS BASE
4 RATE IS MULTIPLIED TO THE NEXT HIGHEST MULTIPLE BELOW THE THREE
5 HIGHEST MULTIPLES SET ON DIFFERENT DAYS IN THE 60 DAYS PRECEDING
6 THE DECLARATION OF EMERGENCY. IT SHALL BE A VIOLATION OF THE ACT
7 OF OCTOBER 31, 2006 (P.L.1210, NO.133), KNOWN AS THE PRICE
8 GOUGING ACT, FOR A TRANSPORTATION NETWORK COMPANY TO CHARGE A
9 PRICE THAT EXCEEDS THE LIMITS OF THIS SUBSECTION DURING A STATE
10 OF DISASTER EMERGENCY.

11 ~~(e)~~ (F) Review.--The amount of a donation, charge, fare or <--
12 other compensation provided or received for transportation
13 network service shall not be subject to review or approval by
14 the commission under Chapter 13 (relating to rates and
15 distribution systems).

16 § 2608. Nondisclosure of passenger information.

17 (A) PROHIBITION ON DISCLOSURE.--A transportation network <--
18 company shall not disclose to a third party any personally
19 identifiable or financial information of a transportation
20 network company passenger unless one of the following applies:

21 (1) The customer knowingly consents. AS USED IN THIS <--
22 PARAGRAPH, THE TERM "KNOWINGLY CONSENTS" MEANS:

23 (I) THE CUSTOMER IS NOT REQUIRED TO CONSENT TO THE
24 DISCLOSURE OF PERSONALLY IDENTIFIABLE OR FINANCIAL
25 INFORMATION TO A THIRD PARTY IN ORDER TO USE A DIGITAL
26 NETWORK OR RECEIVE A PREARRANGED RIDE.

27 (II) THE CUSTOMER CONSENTS TO DISCLOSURE OF
28 PERSONALLY IDENTIFIABLE OR FINANCIAL INFORMATION IN A
29 DOCUMENT THAT IS SEPARATE FROM THE TRANSPORTATION NETWORK
30 COMPANY'S TERMS OF SERVICE AGREEMENT.

1 (2) The information is disclosed under subpoena, court
2 order or other legal obligation.

3 (3) The disclosure is to the commission in the context
4 of an investigation regarding a complaint filed with the
5 commission against a transportation network company or a
6 transportation network company driver and the commission
7 treats the information as proprietary and confidential.

8 (4) The disclosure is required to protect or defend the
9 terms of use of the service or to investigate violations of
10 those terms. In addition to the foregoing, a transportation
11 network company shall be permitted to share a passenger's
12 name or telephone number with the transportation network
13 company driver providing transportation network company
14 service to the passenger in order to:

15 (i) facilitate correct identification of the
16 passenger by the transportation network company driver;
17 or

18 (ii) to facilitate communication between the
19 passenger and the transportation network company driver.

20 (B) PROHIBITION ON SALES.--A TRANSPORTATION NETWORK COMPANY <--
21 SHALL NOT SELL THE PERSONALLY IDENTIFIABLE OR FINANCIAL
22 INFORMATION OF A TRANSPORTATION NETWORK COMPANY PASSENGER. THE
23 PROHIBITION UNDER THIS SUBSECTION SHALL NOT APPLY TO THE SALE,
24 MERGER OR ACQUISITION OF A TRANSPORTATION NETWORK COMPANY BY
25 ANOTHER ENTITY.

26 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM "THIRD
27 PARTY" SHALL NOT INCLUDE VENDORS OF A TRANSPORTATION NETWORK
28 COMPANY WHO MUST ACCESS PASSENGER PERSONALLY IDENTIFIABLE OR
29 FINANCIAL INFORMATION TO CARRY OUT CONTRACTED FOR WORK ON BEHALF
30 OF A TRANSPORTATION NETWORK COMPANY.

1 § 2609. Fines and penalties.

2 (a) Imposition.--The commission may, after notice and
3 opportunity to be heard, impose civil fines, penalties, license <--
4 suspensions and revocations and other appropriate remedies for
5 violations of this chapter and commission regulations and
6 orders. The commission shall adopt a schedule of penalties to be
7 imposed for specific violations, including multiple violations.
8 The schedule shall delineate those offenses deemed to be serious
9 and appropriate penalties. CIVIL PENALTIES UNDER SECTION 3301 <--
10 (RELATING TO CIVIL PENALTIES FOR VIOLATIONS) AND NONMONETARY
11 PENALTIES, INCLUDING LICENSE SUSPENSIONS, REVOCATIONS AND OTHER
12 APPROPRIATE REMEDIES FOR VIOLATIONS OF THIS CHAPTER AND
13 COMMISSION REGULATIONS AND ORDERS. THE COMMISSION SHALL ADOPT A
14 SCHEDULE OF PENALTIES TO BE IMPOSED FOR SPECIFIC VIOLATIONS,
15 INCLUDING MULTIPLE VIOLATIONS. THE SCHEDULE SHALL DELINEATE
16 OFFENSES DEEMED TO BE SERIOUS AND THE CORRESPONDING PENALTIES.

17 (b) Disqualification.--

18 (1) The commission may issue an order to a
19 transportation network company requiring disqualification of
20 a driver from being a transportation network company driver
21 if:

22 (i) during any three-year period the driver commits
23 five or more violations under this title; or

24 (ii) at any time after the date of enactment of this
25 act, the driver is convicted of any criminal offense
26 described under section 2604.1(b) (5) (relating to
27 licensure requirements).

28 (2) A commission directive to the transportation network
29 company to disqualify a driver from being a transportation
30 network company driver may occur only after the filing and

1 adjudication of a formal complaint pursuant to Chapter 7
2 (relating to procedure on complaints) and ~~52 Pa. Code Ch. 5~~ <--
3 (relating to formal proceedings), by which the COMMISSION <--
4 REGULATIONS. A transportation network company shall be
5 afforded full due process, including notice and opportunity
6 to be heard.

7 (3) The commission may adopt regulations to allow for
8 the reinstatement of a driver following an appropriate
9 disqualification period and compliance with any conditions
10 imposed by the commission.

11 § 2610. Commission costs.

12 The program costs for commission implementation and
13 enforcement of this chapter shall be included in the
14 commission's proposed budget and shall be assessed upon
15 transportation network companies in accordance with section 510
16 (relating to assessment for regulatory expenses upon public
17 utilities). For the purposes of section 510 only, the definition
18 of public utility shall include a transportation network company
19 and, for purposes of assessment only, may be grouped with other
20 utilities furnishing the same kind of service. The
21 transportation network company shall report annually to the
22 commission the gross intrastate receipts derived from all fares
23 charged to customers for the provision of transportation network
24 service, PROVIDED UNDER THIS CHAPTER, regardless of the entity <--
25 that collects the revenues. ~~Gross intrastate receipts under this~~ <--
26 ~~section shall not include gross receipts assessed by a parking~~
27 ~~authority in a city of the first class under section 2611(d)~~
28 ~~(relating to city of the first class).~~

29 ~~§ 2611. City of the first class.~~

30 ~~(a) Authority. A transportation network company that has~~

1 ~~been licensed by the commission may apply to the parking~~
2 ~~authority of a city of the first class for a certificate to~~
3 ~~operate in the city of the first class. The certificate shall be~~
4 ~~granted to the transportation network company within 90 days if~~
5 ~~the parking authority determines that the transportation network~~
6 ~~company is in compliance with the following:~~

7 ~~(1) Section 2603.1 (relating to financial responsibility~~
8 ~~requirements).~~

9 ~~(2) Section 2603.2 (relating to disclosures).~~

10 ~~(3) Section 2604 (relating to licenses, certificates and~~
11 ~~regulations).~~

12 ~~(4) Section 2604.1 (relating to licensure requirements).~~

13 ~~(5) Section 2604.3 (relating to discrimination in~~
14 ~~service).~~

15 ~~(6) Section 2604.4 (relating to dual motor carrier~~
16 ~~authority).~~

17 ~~(7) Section 2604.5 (relating to lienholder~~
18 ~~requirements).~~

19 ~~(8) Section 2605 (relating to transportation network~~
20 ~~company drivers).~~

21 ~~(9) Section 2606 (relating to personal vehicle~~
22 ~~requirements).~~

23 ~~(10) Section 2607 (relating to rates and forms of~~
24 ~~compensation).~~

25 ~~(11) Section 2608 (relating to nondisclosure of~~
26 ~~passenger information).~~

27 ~~(b) Regulations. The parking authority of the city of the~~
28 ~~first class may adopt reasonable regulations relating to~~
29 ~~enforcement under this section that do not impose additional~~
30 ~~burdens on the transportation network company than those imposed~~

1 ~~by the commission on transportation network company vehicles~~
2 ~~outside the city of the first class.~~

3 ~~(c) Accessibility. A transportation network company that~~
4 ~~holds a certificate from a parking authority of a city of the~~
5 ~~first class shall comply with section 2604.3.~~

6 ~~(d) Assessment. A transportation network company operating~~
7 ~~in a city of the first class shall pay to that city's parking~~
8 ~~authority an amount equal to 1% of the gross receipts from all~~
9 ~~fares charged to all passengers for prearranged rides that~~
10 ~~originate in the city of the first class. The amount assessed~~
11 ~~shall be remitted on a quarterly basis and deposited into a~~
12 ~~special account in the State Treasury. The Treasurer shall~~
13 ~~annually distribute 66.67% to a school district of the first~~
14 ~~class and 33.33% to the parking authority of the city of the~~
15 ~~first class.~~

16 ~~(e) Reporting. Each transportation network company that~~
17 ~~collects money under subsection (d) shall report to the parking~~
18 ~~authority of the city of the first class on a quarterly basis~~
19 ~~all amounts collected and remitted to the parking authority. The~~
20 ~~initial report shall be transmitted no later than March 30,~~
21 ~~2016. Information reported shall not be subject to the act of~~
22 ~~February 14, 2008 (P.L.6, No.3), known as the Right to Know Law.~~

23 ~~(f) Prohibition. A transportation network company driver~~
24 ~~operating in a city of the first class shall not solicit or~~
25 ~~accept a prearranged ride at any of the following locations:~~

26 ~~(1) A designated taxi stand, no stopping or standing~~
27 ~~zone or other area where a personal vehicle may not enter at~~
28 ~~an international airport owned by the city of the first class~~
29 ~~and located in whole or in part in the city of the first~~
30 ~~class.~~

1 ~~(2) A designated taxi stand, no stopping or standing~~
2 ~~zone or other area where a personal vehicle may not enter at~~
3 ~~a train station owned by AMTRAK located in the city of the~~
4 ~~first class.~~

5 ~~(3) Organized lines of taxis at hotels utilized to~~
6 ~~provide services to patrons and visitors at the hotel.~~

7 ~~(g) Penalties and enforcement. The following shall apply:~~

8 ~~(1) If the parking authority of a city of the first~~
9 ~~class has evidence that the appropriate assessment amount is~~
10 ~~not being remitted under subsection (d), it shall investigate~~
11 ~~the matter and determine if the appropriate amount was~~
12 ~~transmitted.~~

13 ~~(2) A driver found by the parking authority to be in~~
14 ~~violation of this section shall be subject to a fine of not~~
15 ~~more than \$500 per occurrence for a first or second offense~~
16 ~~and not more than \$1,000 for a third or subsequent offense.~~

17 ~~(3) The following shall apply:~~

18 ~~(i) The authority may issue an order to a~~
19 ~~transportation network company requiring disqualification~~
20 ~~of a driver from being a transportation network company~~
21 ~~driver if:~~

22 ~~(A) during any three year period the driver~~
23 ~~commits five or more violations under this title; or~~

24 ~~(B) at any time after the effective date of this~~
25 ~~act, the driver is convicted of a criminal offense~~
26 ~~described under section 2604.1(b) (5) (relating to~~
27 ~~licensure requirements).~~

28 ~~(ii) An authority directive to the transportation~~
29 ~~network company to disqualify a driver from being a~~
30 ~~transportation network company driver may occur only~~

~~after the filing and adjudication of a formal complaint pursuant to 52 Pa. Code Ch. 1005 (relating to formal proceedings), by which the transportation network company shall be afforded full due process, including notice and opportunity to be heard.~~

~~(iii) The authority may adopt regulations to allow reinstatement of a driver following an appropriate disqualification period and compliance with any conditions imposed by the authority.~~

~~(iv) The authority may only confiscate the vehicle of a driver who continues to provide transportation network company service while disqualified or following suspension or revocation of a transportation network company's license.~~

Section 6. The definition of "bus" in section 102 of Title 75 is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Bus."

(1) a motor vehicle designed to transport 16 or more passengers, including the driver; or

(2) a motor vehicle, other than a taxicab [or], limousine or personal vehicle as defined in 66 Pa.C.S. § 102 (relating to definitions), designed to transport not more than 15 passengers, including the driver, and used for the

1 transportation of persons for compensation.
2 The term does not include a vehicle used in a ridesharing
3 arrangement, as defined in the act of December 14, 1982
4 (P.L.1211, No.279), entitled "An act providing for ridesharing
5 arrangements and providing that certain laws shall be
6 inapplicable to ridesharing arrangements," or a school bus.

7 * * *

8 Section 7. All acts and parts of acts are repealed insofar
9 as they are inconsistent with the addition of 66 Pa.C.S. Ch. 26.

10 Section 8. This act shall take effect immediately.